

1 p.m.

Saturday, May 25, 1991

[Deputy Chairman: Mr. Schumacher]

MR. DEPUTY CHAIRMAN: The Chair sees a quorum, so the committee will come to order for the afternoon session. On behalf of the committee I'd like to welcome those present this afternoon.

In case we have some new people from this morning, I will introduce those at the table. On my right is the Hon. Nancy Betkowski, MLA for Edmonton-Glenora, and on my left is Barrie Chivers, MLA for Edmonton-Strathcona. My name is Stan Schumacher, and I represent Drumheller constituency. Joining us will be Sheldon Chumir, who represents this part of the city of Calgary as the MLA for Calgary-Buffalo. He is just coming to the table now, and soon to join him will be Bob Hawkesworth, MLA for Calgary-Mountain View.

So without further ado, because we do have a very full schedule for the afternoon and people do make a point of being here for their presentations and we don't like to hold them any longer than we have to in case they have other commitments, I'd invite Fred Hanisch to the table and say welcome, Fred.

MR. HANISCH: Good afternoon, Mr. Chairman, committee members, ladies and gentlemen. I typed my effort here twice, and strangely enough the second time around I wound up with two more pages than I had the first time. However, it's all double-spaced, so it shouldn't be too bad.

As is obvious from my accent, I am a naturalized Canadian. Having grown up under two different types of dictatorship, I decided at an early age to hightail it for greener pastures and emigrated to Canada in 1952. In order to see a little more of this world, I joined the Canadian Armed Forces in 1955, and finally I retired from that organization nine years ago. Since then I have been an interested observer in the Canadian political scene, and let me assure you, it has been a real eye-opener, to say the least.

This country still resembles paradise in some respects, particularly to a recent arrival from an unfortunate environment such as, say, Bangladesh or one of the Central American countries in upheaval. But on closer examination one must admit that we do have our somewhat smaller problems, the largest of which is our politicians, politicians whose primary and ill-disguised concern appears to be their own welfare, who think of themselves before they think of the people they are elected to serve and represent, politicians who do not listen to their constituents but who, with rare exceptions, do as they are told by their provincial or federal leader. When we do have that rare exception of an MP who ignores his own welfare and represents the opinion of his constituents, he promptly gets turfed out of the caucus for not adhering to party discipline. Well, that sort of thing is okay for the military. I for one in a democracy expect my MP or MLA to have the freedom to vote and represent the opinion of the people who elected him or her.

Everything is, of course, relative. Relative to Third World countries we are indeed very well off. Compared to, say, Switzerland, the Canadian political system leaves very much to be desired. Switzerland, with a population of about 6.6 million people, is a small country with a harsh climate, covered to one-quarter of its area by impassable mountains, and has virtually no natural resources except for its banks and bankers. There they have 1 percent unemployment, generous social services for the needy, as well as high quality educational and health services, the latter financed through private insurance and user fees. Also,

significantly, the Swiss see interest rates never higher than 6 percent and a rate of inflation of 4 percent. They have the smallest civil service, the smallest national budget, and the lowest taxes in Europe, proportionally speaking. For anyone who would like to confirm that or find out a little more about it, I have some reading here I'd like to recommend by a Prof. William D. Gairdner, a businessman and ex-member of the Canada Olympic team. The title of this is *The Trouble with Canada*, currently in its sixth hardcover printing and very highly recommended. I don't agree with everything he says either, but then no two people ever agree on everything.

Now, how do they do it, these Swiss? They have done it by depoliticizing their country, by governing from the bottom up instead of from the top down as we do in Canada. There are no costly leadership campaigns and personality cults. Election costs, I understand, are minimal. There are 23 self-governing cantons or provinces, 46 federal representatives, and seven – I repeat, seven – federal cabinet ministers in Switzerland, each of whom takes a turn for one year as chairman or president. The country is trilingual – in other words, federal services are provided on a trilingual basis – with each canton or province being populated by one or the other of the language groups. If as an Italian-speaking Swiss person I'm not particularly enthused about all the German speakers in my immediate neighbourhood in my province, I move to where my own group predominates, into another province. This form of government has existed in that country for 300 years and has served them very well indeed.

Here we have enforced official bilingualism as well as taxpayer-paid multiculturalism, both of them very expensive and, according to all the polls, unpopular. Our politicians finally seem prepared to admit, albeit reluctantly, that these programs are unworkable. Speaking for myself, when I departed for Canada, I did so with the expectation of becoming a Canadian, not a hyphenated Canadian. Being bilingual but not an English speaker, I expected to learn English. I did not expect to be known as an Anglophone, a Francophone, or a multiphone. Granted, every educated person should be bi- or indeed multilingual, whether in French, Latin, or Greek. These days Japanese or Russian might be more useful, or even Chinese. Educating our young people to become bi- or multilingual is the job of the educational system, not the taxpayer. Multiculturalism has proven, I think, to be divisive. It emphasizes our differences, and it's virtually unworkable.

Our politicians often proclaim that the social system and the educational system in this province and this country are second to none. Again it is relative; it depends on who we compare ourselves to. Take education. It takes two years longer in West Germany to graduate from high school than it does here. The Japanese educational system makes the West German educational system look sick. Canadian businessmen often bemoan the lack of skilled labour in this country. The West Germans have an apprenticeship program funded 50-50 by business and the federal government, producing a very skilled labour pool. I understand it takes a minimum of four years to graduate as a journeyman.

In any event, we are burdened in this country by a huge number of politicians, tired old party hacks put out to patronage as Senators and an attendant huge federal and provincial bureaucracy. Even here in Alberta our illustrious leader in his infinite wisdom has seen fit to appoint two ministers of education. Personally, I feel if either one of them can't do the job by himself, fire the both of them and find somebody who can. From my own past experience I know the Canadian Navy had at one time, and for all I know still does, more admirals in Ottawa

than it had ships on both coasts combined. There are more corporals than privates in the Canadian Armed Forces, and there's one commissioned officer for every six or seven enlisted men.

Back to our MPs and MLAs for a moment. Just once I would like to see a politician tighten his or her belt alongside the rest of us rather than cutting programs for seniors. Perhaps the size of this country makes it impossible to reduce the number of MPs and MLAs, but common sense dictates the elimination of lifetime pensions after sitting for only six years as an MP or MLA. I had to serve a minimum of 25 years for my pension. Nothing exists in the private sector that resembles our politicians' pension scheme. We are always told that these benefits must be offered in order to attract the required talent into the political service. The talent of the likes of Mr. Crow and Mr. Wilson, for example, has given us nothing but high interest rates, has caused innumerable bankruptcies, and will have raised the national deficit to \$400 billion by the end of 1992. Add to that another \$150 billion in provincial deficits and God only knows who, if anybody, will ever manage to pay this off.

1:10

Lest the provincial politicians present here today are complacent, they have nothing to be proud of either in that respect. Here the excuse for a \$10 billion deficit is falling oil prices – not all of it, people, as you well know. According to the Provincial Auditor, well over \$1 billion will be lost due to financial support of failing businesses and manufacturing endeavours. According to the minister responsible, that is something to be proud of; in other words, chicken one day, feathers the next. If we lose some, we can always get part of it back from the seniors. We'll make cuts to health care or social programs.

I recently had a look at the *Corpus Administrative Index* at the public library. It is truly something to behold, to see how many assistant deputy ministers our federal and provincial ministers seem to require to administer their assorted programs. As well, in addition to 37 – or was it 39? – federal ministers and their attendant entourage, we have 28 parliamentary secretaries, each of whom is busily engaged in promoting and dreaming up costly programs to justify his or her own existence and keep the assorted underlings and gofers busy. But enough; you got the message.

Regarding national unity and the possible separation of Quebec. I have been an on and off resident of Montreal over the years. In fact, my first residence in Canada was in Montreal for three years. I discovered that there are two schools of thought, one of which maintains that this is a recurring phenomenon. As each generation approaches maturity in Quebec, idealism and pride in the achievements of the people of Quebec produce the ferment of the idea of independence. As the former students settle down and look at the upcoming mortgage payment, idealism takes wing and departs. Hence in any referendum cooler heads will prevail, and the separatists will lose out. Meanwhile, Quebec politicians of course will endeavour to get as much as possible out of federal politicians in the way of concessions and whatnot. The latter, in order to get the Quebec vote in any federal election and wind up with a majority government, will give away everything that is not welded down. The other school of thought maintains that Quebec independence in the long run is inevitable. If it does not come to pass in 1993, it will 25 years later. Be that as it may, this is for the people of Quebec to decide.

There is also an economist teaching at McGill University in Montreal, a Mr. Watson, who maintains that Quebec indepen-

dence would not be the out-and-out disaster for the rest of Canada that our politicians try to tell us it would. I have a photocopy of that gentleman's opinion which was published in one of our national newspapers. I've got that right here.

Amongst other things, Quebec's separation would force the four maritime provinces at long last into the often talked about union, into one province, something I believe would only benefit all the good people down there. Let's face it; right now P.E.I., with a population of 131,000, has 38 MLAs. Who needs it?

Regarding the maintenance of the Francophone culture and a distinct society, if Quebec should decide to remain in Canada, I think la belle province has already all the powers she could reasonably expect. By the way, there are very, very few people from Quebec who vacation in or retire to France to renew and reinforce their cultural roots. Au contraire – on the contrary – 99 percent of them vacation in and retire to Florida, where they manage to make themselves unpopular with the locals by demanding to be served in French.

I've only got two more pages and I'll get out of your hair.

I for one would like to see official bilingualism abolished; likewise for multiculturalism.

We should take all the time we need to come up with a new Constitution, even if that should require five years. Never mind the time limit set by Mr. Bourassa in Quebec.

One would like to see the Senate, as it exists now, abolished; likewise for MPs' and MLAs' lifetime pensions. Limit their terms of sitting to a maximum of two. You can always use fresh blood, new blood in those positions. Limit the number of federal cabinet ministers to a maximum of 21 and their provincial counterparts to a maximum of 12. There are far too many duplications of services and departments.

The federal government should set standards and maintain control of education, health care, and social programs such as pension plans, et cetera, maintaining uniformity across the country. There should be binding national referendums based perhaps on a 50 percent, 7 provinces formula.

One would like to see something which exists south of the border, some means of getting rid of morally bankrupt, incompetent politicians; in other words, some form of impeachment.

Let us make sure that our elected representatives have free votes whereby they are to vote the way a majority of their constituents want. I don't buy Mr. Mulroney's statement of: Referendums – that's not the Canadian way.

Let us live in a participatory democracy: government from the bottom up. We are told that this would be too difficult to administer in a country as large as Canada. Rubbish, I say. The electronic age has turned that argument into nonsense.

Back to you, our elected representatives. You should be held accountable for your votes. There should be a system of penalties and rewards based on your performance in the Legislature. You should not be entitled to a tax-free benefit or allowance. On the contrary, you should submit your legitimate expense deductions to the taxation department like the rest of us.

Immigration to this country should be restricted during a recession. The present recently implemented immigration policy puts extraordinary demands on an already strained economy and old-age pension scheme. Newcomers to this country should not be entitled to benefits from social programs for a minimum of five years. Then after they've made some contributions towards the system, by all means.

By the way, if we must have a distinct society in this country, let it consist of the native people, the descendants of the aboriginal people who first settled this continent. The rest of us

are all immigrants or descendants thereof. We stand and/or fall on our performance.

The various cultures seem to do quite well without official assistance, as witness Saint Patrick's Day or Columbus Day in New York or the Oktoberfest in Kitchener, Ontario. They do quite well on their own. They serve as good examples.

After ensuring the welfare of the aged and indigent, all government should be obliged to have balanced budgets on pain of losing some of their wages. Unemployment insurance should be returned to what it originally stood for, a coinsurance program of a limited length of time, not a welfare program.

Clean up Canada's foreign aid program. It's an out-and-out disaster, according to the media, with most of the dispensed funds winding up in numbered Swiss bank accounts or being utilized for the importation of arms by the supposed beneficiaries.

In any event, these are some of my thoughts, the thoughts of a small, perhaps insignificant but very, very frustrated citizen.

I could go on and on, about the need for conscription for example, for a two- or three-year term for our young people to instill in them a sense of national identity, pride, and discipline as well as a work ethic. I fear I rather know what the reaction of la belle province would be in regards to that. Locally, will we ever see a freedom of information Act in Alberta? And so on and so forth, but I think I may have had well more than my allocated 15 minutes.

Thank you very much indeed for your patience. If there are any questions by anyone, I'd be happy to try and answer them.

1:20

MR. DEPUTY CHAIRMAN: We have a question from Mr. Hawkesworth, Fred.

MR. HAWKESWORTH: Just one, Mr. Hanisch. Do you see any signs of hope in this country?

MR. HANISCH: Not under the present system, unless you people are prepared to implement some changes in our form of government. Really, I'm not the only one that's frustrated. From the assorted polls, I gather there are a lot of people who share my feelings out there. It's finally come to a head. The arrogance of some of our politicians is almost unbelievable. They talked about good old Pierre Trudeau. My God, Mulroney and Mr. Getty make Trudeau look like a prince. At least Trudeau had some brains.

MR. DEPUTY CHAIRMAN: Thank you very much.

MR. HANISCH: Thank you.

MR. DEPUTY CHAIRMAN: The next presenter will be Bill McNally. Good afternoon and welcome.

MR. McNALLY: Good afternoon. I would like to talk briefly about direct democracy and its three traditional methods of increasing public participation in the legislative process. There seems to have been a certain looseness of language that has developed around some of these terms, so perhaps I will take a moment to define them.

The first process, based on the Swiss model, is referendum, which is the power of electors to circulate a petition to either affirm or rescind acts of the Legislature. The second, also based on the Swiss model, is initiative, which is the power of electors to circulate a petition to propose a law and then have it brought

into force by a general vote of the electorate. The third method, which has gained some support in the United States, is recall. All of these reforms have the tendency of taking the legislative agenda out of the hands of political elites and putting them into the hands of ordinary people. The question, I think, for this committee is to determine why suddenly, after approximately 60 years, direct democracy has become such a live issue. I think it's fair to say that we live to a large extent in an era of political despair.

The causes are many, but I will at least address three of them. The first seems to be the crisis felt by the regions of Canada in contending with central Canada. People feel that their representatives do not uphold their interests in the context of the federal Parliament. They also feel there is an element of regional unfairness in terms of economic policies that disregard the best interests of western Canada. The second cause, I think, of despair has been the Meech Lake debacle, which basically attempted to achieve a consensus amongst political elites rather than a consensus amongst people to whom the Constitution would apply. I think the third and final cause of despair is the fiscal crisis.

Basically, there seem to be two aspects to it. One is a systemic one and the sense that bureaucracies and government are by nature of their own self-interest constantly expanding government programs and seeking further funding to sustain those. I think also the fiscal crisis is something that ordinary people can measure by the application of their own experience. There's a sense of a lack of thrift, that we are simply headed to the abyss and faced with the prospect of ever increasing taxes and perhaps ultimately default.

Now, I think that properly tailored, a direct democracy could alleviate many of the concerns that people feel with these crises. First, in terms of the fiscal crisis, if the federal government were prepared to adopt some form of initiative process, people could implement, for instance, an amendment to the Canada Elections Act stating that if politicians resided or held power for two years in the Legislature without balancing the budget, they would then be disqualified from running again. That would have a very dramatic impact, I believe, on the energy that was committed to the process of controlling the debt crisis.

In terms of the Meech Lake accord and future constitutional talks, there doesn't seem to be any mechanism, unlike the situation that currently prevails in the United States, for ordinary citizens to participate in this at all. In Australia, for instance, any constitutional amendment is subject to popular ratification through something amounting to a referendum process.

The third is the issue of perceived unfairness in terms of the application of federal policy to this region. One way of dealing with this might be a form of referendum so that federal legislation that appeared unfair to western Canada could be subject to a general vote of electors if there were a sufficient number of people prepared to sign a petition to put that matter to the electorate.

Now, I'd briefly like to describe for you the horrors of direct democracy as they're perceived amongst people who oppose them. The first is the sense that the electors would never vote for a tax increase. In other words, people will not legislate pain. There have been a number of ways of dealing with this in some of the legislative models that have existed. For instance, Alberta had a direct democracy Act in 1913, which was repealed in 1959 by the then Social Credit government, which simply exempted on a generic basis all fiscal policies from referendum. In other words, while all other Acts of the Legislature were fair game and would be suspended from coming into force for a 90-day period

after the end of the legislative session, fiscal Bills were not subject to attack by referendum.

Another legislative way or way that you can tailor direct democracy to avoid the problem is based on the idea of the government labeling Acts which would be subject to referendum. That was basically the method adopted by Patrick Boyer, who has written quite extensively in this area and, in fact, proposed a private member's Bill in the federal Legislature last spring. I think basically people would approve of tax increases if political leaders could gain sufficient political capital to make those proposals. I think that comes on two levels: first, a symbolic one in the sense that we see political leaders who have adopted an almost imperial style, and second, in terms of disregarding studies like the Nielsen report which have analyzed areas of government inefficiency that might be dealt with.

Now, the second horror that people parade about direct democracy is the fact that it might lead to some oppression by the majority. I think that's to some extent a real concern, particularly given the regional diversity of this country. If one is to say that numbers will ultimately win the day in terms of the legislative agenda, the danger is that Ontario and Quebec, with their vast superiority in numbers, might be able to push through legislation at the federal level that would be contrary to western Canadian interests. Again, as a formula by which referendum legislation could be adopted, one could have a regional component so that once an Act is subject to a general vote, it would have to have a simple majority in the various regions of Canada before it was ultimately enacted as law.

The third horror that's paraded against direct democracy is that opposition parties and radical fringe groups might use it as a means of gumming up the legislative agenda and that nothing would ever be done. The Swiss experience, I think, has been that it's really only the opposition parties that have sufficient organization and resources to really use the referendum process. It's a short time fuse; it runs 90 days from the end of the legislative session, and you've got to be able to jump on it. I do think that the way the Legislature is currently structured, there is a big political ante for political opposition parties to attempt to use the referendum process, because if an Act is not passed, it essentially amounts to nonconfidence and there's a risk of another election. What I suggest is that if referendum is to be seriously looked at, the rules of the Legislature must also be examined so that every failed measure put by the ruling party does not necessarily lead to nonconfidence; in other words, that we adopt some measure where there are either positive non-confidence votes or fixed election dates so that the government simply exercises its mandate during that period.

1:30

The final horror that's paraded is that the cost of a vote is too much. Like the last speaker, I suggest that the new technology that exists should largely overcome this and facilitate a consultative process with electors. There are now, for instance, suggestions that the phone system can be used to canvass electors, or computer terminals, although perhaps they're not sufficiently dispersed amongst the population to make that a viable option.

I'd briefly like to talk about recall as well, because some of the objections raised to recall don't apply equally to [inaudible] and referendum. I think one of the arguments raised against it is that no one would run if they were subject to recall. In fact, the Social Credit government in this province implemented an Act to recall members of the provincial Legislature which lasted exactly 18 months, because the first person who was attacked by the new legislation was Mr. Aberhart, who was promptly hoisted

on his own petard and didn't enjoy the experience. What it suggests, I think, is that we have to get to a process where people can freely express their views within the Legislature. The current party system is perhaps one of the most autocratic in the western democracies, and people are really unable to take a line other than the party line. I think the result is the waste of great talent. So, if one is to implement recall, I think one has to examine the way that the Legislature functions to allow people some liberty.

Now, the other thing that I would like to mention is the whole fact that basically under our theory of democratic law, Parliament is omnipotent and can revoke any piece of legislation in another session. So if you have a situation where some government or political party is brave enough to implement direct democracy, the danger is that next time around, having run the gauntlet of opposition parties using these new weapons, they simply would repeal it. Perhaps one way to ensure some political responsibility would be to anchor direct democracy in the Constitution. There's an opportunity now to do that, because I think in accepting the Charter, which is the American model, we have enshrined some sense of absolute rights and we can perhaps mirror American theory of politics as a sort of social contract to make or have the power of people as absolute and paramount to the Parliament itself, which has never been the English tradition.

Those are my thoughts, for what they're worth. I hope they are of some assistance in guiding your committee.

Thank you very much.

MR. DEPUTY CHAIRMAN: Thank you, Bill.

Bob?

MR. HAWKESWORTH: It was pointed out earlier this morning that in the United States, where referenda are much more common or propositions are much more frequent, the actual participation of people in the electoral process has dropped dramatically; it's comparatively a small percentage of people that actually get out to vote, maybe one of the reasons being the intimidation of the number of choices and the number of issues that they're forced to contend with. So I ask you to address that question just in terms of practicality of overwhelming people with all kinds of initiatives. Secondly, in terms of direct democracy I haven't yet heard anyone speak about the Australian law that requires people to vote; that is, if you don't vote in an election, you're subject to a several hundred dollar fine. It's against the law not to vote in Australia. I wonder if you have any thoughts on that.

MR. McNALLY: Well, I do. I think one of the promises of direct democracy is that people will inform themselves on political issues, and instead of voting for a representative every four years, they will be able to address their minds to substantive policy issues. So the fact that in California there's a small number of people who are prepared to inform themselves doesn't seem to me to be really a problem. As long as there are some people who will take it upon themselves to inform them, I think that's the most you can achieve.

Now, the second thought of imposing a penalty on people who don't want to participate in the electoral process: I don't think I agree with that, because surely people should be concerned enough and have a position before they simply go to the polls and put an X on the ballot. I mean, they might not understand it; they might be confused by it. I tend to think that people will

only voice an opinion about issues that they are able to understand.

MR. DEPUTY CHAIRMAN: Barrie?

MR. CHIVERS: Yes. Bill, if I understood your submission correctly, you were suggesting that the direct democracy which you're proposing could be entrenched in a manner similar to the Charter of Rights and Freedoms. Did I take it from that that I would be correct to assume that you support the Charter of Rights and Freedoms approach to things?

MR. McNALLY: Yes, I do. I think that part of the problem with the Charter is that it almost has thrown Canada under a gigantic magnifying glass. We now have a situation where because of the Charter we detect differences between English Canada and French Canada in terms of their valuing of the individual versus collective rights, but I think it's now too late to go back, and I endorse having a Charter. All that I'm saying in terms of direct democracy is that within the Canadian tradition Parliament is omnipotent and can always revoke legislation passed by a previous government. The problem with direct democracy is that when you start getting close to exercising the brass ring and real political power, direct democratic measures start looking like a real problem till they exercise that power. So it's hard to envision a partisan political party having the courage to adopt such measures faced with the prospect that in a subsequent Parliament the other side would be able to change the rules on the playing field again and go back to the old system. So, you know, to ensure that those things become anchored in an inalterable fashion, you would have to make that a constitutional amendment in order to subordinate Parliament to collective will, which would be the American democratic political theory.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Bill.

MR. McNALLY: You're welcome.

MR. DEPUTY CHAIRMAN: The committee would invite Thomas and Sharon Moore as our next presenters. Good afternoon, and welcome.

1:40

MR. MOORE: Good afternoon. Thank you.

Just before we get started, thank you very much for the opportunity of addressing you this afternoon. You may find that many people who sit at your table here are well-heeled, and for what they want to talk to you about they have done a great deal of research. We have tried to do as much research as we could in the last short period of time. Basically, we represent just a middle-class husband and wife who have some genuine concerns about what is happening in the marketplace. We're not saying that we're necessarily right, and we're not saying that we're necessarily wrong, but we do have some genuine concerns that seem to be going on in Canada today.

Our original submission presented to the committee about four weeks ago would have taken us probably 45 minutes to an hour to deliver, and we've worked very diligently to try to get this down as short as possible.

MR. DEPUTY CHAIRMAN: We're sorry that we had to sort of impose some time disciplines, but with the people who want

to come, we've just found that necessary. We hope that it hasn't ruined your approach to this. Thank you.

MR. MOORE: No. The only thing is that when you look at some of the points here, they may be very short and very curt. There is always some explanation that goes along with the point, and we hope that people will understand.

I would ask my wife to start off with our submission. I'll carry on through it, and let her finish it off. Then it'll appear more like we did it as a team.

MRS. MOORE: We think one of the first questions that as Albertans we have to ask is: is it economically viable for Alberta to stay in Canada? As a citizen I believe it's worth it and so does my husband, but because it's cost us a lot of money up to now, it may not be worth it.

We'd like to address the out-of-balance system that we have in the House of Commons, the Senate, and in the Supreme Court that seems to cater to Quebec and to the provinces that have more population than we in Alberta. We believe this must be changed through Senate reform. Some other things that must be corrected are the fact that Quebec has three judges on the Supreme Court, also 75 members in the House of Commons. We believe we have to have a more balanced representation level by province in Ottawa.

We also do see great things for our country, but only if our governments improve their communication and listening skills. The secrecy has to stop. Some issues cannot and should not be made by a handful of elected representatives. They are simply too important to Canada as a country.

On the French issue we believe that French shouldn't be pervasive throughout our country or our system. We believe we do not need French in our province of Alberta, and perhaps if French people wanted an opportunity of having French heard, we would have a 1-800 number into the particular level of government and only in areas where there is a genuine need.

Given the past histories of our federal and even provincial government, we feel we do not really know the facts on Meech Lake, the Constitution, or the Charter of Rights and Freedoms, aboriginal issues, and women's issues, as a lot of this has gone on behind closed doors. We feel that a referendum would be used or could be used to stack the cards against Canadians, and in fact the government might hold it over our heads when it comes to having had a referendum, because as everyone knows, a referendum is only a yes or no vote. It doesn't allow us to put in specific questions or questions that will help us to find what we really want.

MR. MOORE: We also believe each province should be given control over more of their own business. Our federal government must realize that we are at a point where the provinces must be given more power not just lip service. These provincial powers to be given to each province should be in the areas of health care, education, the Young Offenders Act, natural resources, immigration, environmental issues, and regional economic issues, et cetera. More natural resource income and general revenues should go back to the provinces where it came from. The provinces should be given more leeway in setting these prices for these resources.

The way our federal government has done things in Quebec is very unfortunate, as they have given Quebec more and more power without the rest of the provinces receiving the same. If Quebec separates, Atlantic Canada will be cut off from the rest of Canada. Quebec should not be allowed to close these

borders, charge tolls to cross these borders, or apply tariffs at these borders. Therefore, we believe that Quebec should not be allowed to separate.

Our Parliament does not function as well as we would like it when a party member can be turned out because they go against party policy. This is not right. Our politicians must be accountable to their constituents, but party policies now prevent this from happening.

Here are some measures that we feel should be brought into government procedures.

We would like an elected Senate: an equal, effective, elected Senate with three Senators from each province or territory. We would like the election of our Prime Minister by way of national election. He or she should not be picked as Prime Minister because they are the head of the particular party with the majority of seats in the House of Commons. We also believe there should be some facility for the election of cabinet ministers to specific portfolios by a nationwide election. We also believe there should be a limitation of the number of terms that elected representatives holding a portfolio or ministerial position can hold office.

Our Supreme Court should be elected by the elected Senate. There should be one from each province or territory, and judges should go through some kind of screening process before being elected.

We must have the right to recall, impeach, or otherwise hold a government responsible when we feel they have not represented Canadians in a responsible manner. As it stands now, Canadians have no legal way of holding them accountable until the next election.

Quebec is important, but not more important than any other province. If they want French, we believe they should have it. If they want their culture, we believe they should have it. We do not believe this should be made a national issue. If the negotiations with Quebec would result in inequality for other provinces or territories or resulted in preferential treatment for Quebec over the other parts of Canada or would damage Canada's capacity to address concerns and issues that go between provincial and federal governments, then Quebec should separate. The rest of Canada should not have to put out their tax dollars towards supporting Quebec's cultural and language differences or any other cultural language difference from any other people. People with different cultures and language must blend into the Canadian fabric, and then they should blend into their own fabric. Let us have one Canadian culture first.

The government also has to address the aboriginal land claims in these new talks. Why has our government given credence to the two founding peoples' concepts yet has not addressed our aboriginal concerns? They were here first, so it is not a two founding peoples' nation. We reject the concept of a two founding peoples' concept of a nation. We believe this is not right.

Here are some of the ideas we have on aboriginal issues. First, aboriginal problems must be addressed at the first ministers' conference on constitutional reform. Aboriginals should have equal rights in the federal government system – the House of Commons, cabinet, Senate, and the Supreme Court – like every other Canadian. Aboriginals also should be held more accountable for the finances they have received from the federal and provincial governments, and they should be held more accountable for these finances in the future. This is the 21st century, and along with these rights they want, they must learn to support themselves more than they have in the past. We

cannot afford to continue to give the amounts of money we have given them or any other people. Along with the control must come realization that the aboriginal people must not expect the rest of us to foot the bill financially; they must be more responsible in taking care of themselves and looking after their own financial affairs.

We also must admit that we do not believe in aboriginal self-government; again, one country, one people, one law. But we are willing and prepared to talk to them in regards to their cultural and language differences as we would Quebec. We must build into the issue something whereby our federal/provincial agencies can get access to Indian lands to enforce Canadian law and rights, to quell disturbances, uprisings, or to simply put out a fire if necessary and never allow what happened at Oka, Quebec, to happen again.

1:50

MRS. MOORE: We as Canadians must be allowed to build one Constitution that allows our government to use our federal police where necessary and when required. Our governments must have this power, but we also think that our government has stalled long enough on the issue of aboriginal rights. We do not see that another royal commission is necessary when we already have reams of paper and records on this subject in Ottawa. Let's settle these issues now.

All Canadians must have access to and copies of information on major national issues so we can assist our government in making the decisions on these issues. We feel that if we had a referendum process which is just a yes or no answer, we should make our government accountable for the decisions that come out of a referendum, as a yes or no answer is too cut and dry and does not allow for a compromise solution or alternative. We don't necessarily agree with the referendum process, but then again we really have to say we don't necessarily not agree with it.

Again we thank you for allowing us to present our views, and we think that Canada should be a nation undivided.

MR. DEPUTY CHAIRMAN: Thank you.

Nancy.

MS BETKOWSKI: Thank you, Mr. Chairman. I just wanted to explore a bit the question of language and culture which you've raised and your view that French should not be pervasive in Alberta and that Quebec do what they want with their own language and culture. Yet you argue for a single Canadian culture. I wonder how those two juxtapose. What would be the Canadian culture, for example, in Quebec if French language were legislated totally by the province and they could do as they wish – our language and culture linked in that way?

MRS. MOORE: Well, I think in Quebec they have to build into something. I think they have to say, "Okay, we're going to be French here, but the English who live in this province have rights too." I think that the Bill they put out on the sign law was unreasonable. I believe that English people should have been allowed the right to have an English sign in their country. Even though the province is basically French people, I think they should still have the right to be English in that province. I think that if they live in other parts of Canada and they want to be French, that's fine, but it does not mean that the rest of us have to be forced or told that we have to conduct our day-to-day business or our governmental affairs in French. I think they have to allow us our English concept in the rest of Canada, but

I think as Canadians we have to allow them to have a way of hearing in French and of speaking in French. I think our courts should allow them to have their French language, possibly trials. If they have to speak French, then they should have their trial in French. But I don't think it's something that needs to be as totally pervasive as French Canada wants it to be.

MS BETKOWSKI: Or a Canadian federal model wants it to be.

MRS. MOORE: Right.

MS BETKOWSKI: And what about languages other than French?

MRS. MOORE: I think our country is made up of a lot of different countries. If we're going to give French Canada its niche in society, if you're going to make it recognizable for French Canada, I think you have to, as a government, say, "Okay, we're going to recognize all these other languages too." There are so many people here that speak different languages; they must also have the same rights if you're going to do it for Quebec.

MS BETKOWSKI: Thank you.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: You suggested in one part of your comments that secrecy has to stop. Would you favour entrenching a right of citizens to access to information in the Constitution?

MRS. MOORE: Yes.

MR. MOORE: Most definitely.

MR. CHUMIR: Okay.

The Allaire report in Quebec has suggested that the Quebec government be given jurisdiction over education, health care, the environment: a whole range of areas. It sounded very much like you share that view in terms of transferring more powers to the provinces, and I'm wondering how you keep a strong, meaningful country undivided, as you wanted. Don't we in fact have a formula for moving towards a system in which Albertans consider themselves to be Albertans, Saskatchewan people Saskatchewanites, just in the same way as now Quebecers consider themselves to be primarily Quebecois? Isn't that really the situation that's landed us into the divisive problem that we have now rather than feeling as Canadians and Quebecers feeling as Canadians, as they should?

MR. MOORE: I think one of the problems we have, and it's common within Canada: we're a little bit too big. I get the opportunity of traveling across Canada and have many friends in different areas in Canada. When I come home to Alberta, I get the opportunity of talking to Albertans that have never traveled outside of Alberta. They don't really know what Quebec is all about; they just simply don't know. In my opinion, we happen to be a very, very conservative country. I wish we would get madder more often; maybe some of these things wouldn't be problems today if we did. Ourselves just as two individuals trying to get the people we know to make themselves available, to take a concern with what's going on in here, is very, very, very difficult.

That's not really answering your question. As far as we see the difference between an Albertan or a person from British Columbia or Saskatchewan, there's nothing wrong with having very, very strong regional differences. I think that's part of the chemical and biological makeup of Canada. We're proud to be Albertans. Even if you just take the buying trends, Albertans buy completely differently from people in Quebec. They buy different patterns; they buy different colours; they buy different styles of cars. What you can sell in Alberta you can't, basically, sell in Quebec because they think differently. There's nothing wrong with having a good, strong nation. The problem is that we're trying to run part of our country from 3,000 miles away, and some of those people just simply don't understand what's happening in this part of the country for the same reason that we don't understand what's happening in Quebec. We very often don't understand what their needs and wants are and their desires.

I think what we quite often say is that we want more regional powers. We look at the word as being "power." We look at decentralizing our government. We look at our federal government as giving something away. We don't necessarily want to give something away. We want to share something. It's not sharing money, it's not sharing power. It's sharing ideas, it's sharing dreams, it's sharing needs, and it's sharing wants. That's the way we particularly see this.

I would like to see a strong national government. Take your health needs. If I visit Ontario, I would like to make sure that if I got sick in Ontario, I would get the same good quality health care in Ontario that I got in Alberta. If I decided to be transferred back to Ontario, I would like to make sure that there is a good, strong educational system in Ontario, that my children could move from one area of the country and still have a good quality education available to them very similar to what I might expect here, and vice versa. There are certain national concerns that should be available to all Canadians wherever they travel, and those are the things that I think the national government should ensure and make sure the provinces enshrine, so that these things are available to all Canadians no matter where they travel to at what time of year.

There are other concerns where I think that we want to go in a specific direction because of our needs and wants, and we would like to have more control over that. I don't know if I make myself clear there.

MR. CHUMIR: So there is room for a federal role in those areas too, to ensure . . .

MR. MOORE: Oh, very, very strong government. I think there should be a good, strong central government, and I think the magic word here is "team." It should be a team that we set up. We talk about that in business. It's team Fuji; it's team General Motors. Why can't it be team Canada?

MS BETKOWSKI: It soon will be.

MRS. MOORE: We hope so.

MR. MOORE: Yeah.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Yes. I'm wondering if you could clarify for me somewhat your opposition. You've stated at some points that you are opposed to official bilingualism yet you've recognized at

the same time, Mrs. Moore, that you don't object to a French-speaking person, for example, having access to the judicial system in his first language. I'm wondering: just exactly what is it that you find objectionable about official bilingualism? Do you accept the official recognition of two languages, for example?

2:00

MRS. MOORE: I think if we recognize the fact that there are only two official languages in Canada, that's a misconception because there are not just two official languages. Years ago immigrants from Europe came over here, and they didn't necessarily speak French; they spoke a lot of other languages. In a lot of ways I think we're being made to believe there are only two languages in Canada, and there are not.

MR. CHIVERS: But you would still continue your position that it would be proper for all French-speaking people to have access to French in the judicial system.

MRS. MOORE: I think you have to make it that way for them. I think you also have to make it available for people from Pakistan, from Fiji. If they're going to go into a federal government office and they don't have a way of listening in their own language, if they don't speak proper English, then I think they're going to be misinformed.

MR. CHIVERS: Thank you. That's helpful.

MRS. MOORE: Thank you.

MR. MOORE: Thank you very much.

MR. DEPUTY CHAIRMAN: Thank you.
Our next presenter will be Bill Tilleman.
Welcome.

MR. TILLEMANN: Thank you.

MR. DEPUTY CHAIRMAN: I think, Mr. Tilleman, we'll ask you to proceed because time is at a premium. Mr. Chumir will be able to surely catch up with you.

MR. TILLEMANN: Okay. He'll be able to hear me if I speak into the mike?

MR. DEPUTY CHAIRMAN: Yes.

MR. TILLEMANN: Okay. Thank you very much, first of all. Thanks to the government of Alberta for putting together such a panel, and thank you for all of your time on a Saturday to listen to us. What I'll do is basically paraphrase my outline, which you have, and I'll speak rather quickly so I can get through it. If you have any comments or questions, circle it, and I'll be pleased to go back.

There is concern that normal environmental statutes or laws can't fully protect the environment. Therefore, better long-term environmental rights protection is recommended and has some international support. I've referred you, in my outline, point number one, to a Law Reform Commission of Canada statement. Also, on pages 331 and following of the Brundtland report some comment is made over this international commitment to better environmental rights.

Specific environmental amendments to Constitutions do in fact exist worldwide, and I can point you to the countries of China, Poland, Portugal, Puerto Rico, Switzerland, Russia, Venezuela, and especially the European Economic Community. In the United States 21 of the 50 states, at my last count, had an environmental clause in their own state Constitution. Now, I appreciate that you may say to me, "Well, I'm not sure what help that does to the environment in those countries." We could look at specific examples of that; nevertheless, if it's only a public policy statement that isn't followed through, at least it is a policy statement.

I've only been back in Alberta for two years, but over that period of time I tallied up a dozen or more different reasons why I believe an environmental amendment is both contemporary and necessary. First, environmental rights are perceived as valuable to the majority of Canadians and Albertans, and I think any poll that we look at will suggest the same, even more so, perhaps, than property rights, which were left out of the Constitution. I cannot understand why they were left out of the Constitution. I would hold property rights as valuable, although I haven't addressed them specifically today as environmental rights. If you have a protected, entrenched right to property, you have quite a bit.

Second, we all know there are major social arguments over environmental use in Alberta.

Third, there are economic reasons, which we can easily find, to protect our resources.

Fourth, I'm not a political scientist, and that was not my background before I went into law, but when moral debates at all levels of society over a single issue are occurring, it suggests that the impetus for an amendment to a Constitution may be sound.

Fifth, this is backed up by a flurry of legislative activity for the environment, both in this province and also across Canada, for which I commend the government of Alberta on the position they've advanced. The interesting thing is that it's also being advanced by otherwise antagonistic political parties.

Sixth, judicial activity is proceeding at a rate which those of us who follow the Oldman dam issue know is unprecedented. Of course, what they're doing is lawmaking for the environment in the absence of what happened here, which was the lack of a statute for environmental assessments.

Seventh, interjurisdictional disputes over the environment have perhaps never been more frequent or intense.

Eighth, there is an unprecedented push for comprehensive environmental education, and I thank again the Alberta government and this Environment minister for the education programs which were announced two or three weeks ago.

Our government leaders in this province and nationwide are continuing to discuss new plans for the use of our resources.

Next, principles of recycling, which demand from all of us a personal commitment, are increasing exponentially. I find even in our house, probably at the insistence of my wife and my children, we have our little bins out in the garage, which have now stacked up and will force me on a Saturday to dispose of them.

Eleventh, there's a legal reason why amendments should be proposed as soon after an original drafting of a Constitution as possible, because the intent should be construed consistent with the intent of the original drafters, and we're only nine years away from April of 1982 and our Constitution Act.

Canadians including myself are becoming, uncharacteristically perhaps, more concerned for the future, and that is important.

Finally, protection of the environment is a key claim of aboriginal rights, and of course these rights are critical to a successful Constitution in Canada.

Having said that, and I do believe it, the task of an environmental amendment will be difficult to accomplish – I recognize that – because my goal of an environmental amendment would be to preserve both the environment and the economy. We all are much happier sitting in a nice, heated room with nice lights and with a nice sound system, and we're all dressed reasonably nicely. I prefer that, and I'm sure all of us probably do as well. For those, however, who don't, the right of privacy is a right which has long been protected. So a constitutional amendment must first balance economic and personal rights. I do sincerely believe that. I'm at my point number four.

Second, governments must find a way to respond to environmental concerns and still keep the economy functioning. Although it's unproven, I do think that businesses can respond to such an amendment or some increased environmental awareness, because over time I don't think it would amount to more than a few percentage points of their sales. This may take 10 years. It may take 15 years, and some businesses may unfortunately drop out, but others, to be sure, would be formed, and that would be good.

2-10

Now, I've included under point five my proposed first draft. I won't read it into the record, but you clearly have it in front of you, and you can review it. There are two things. I need to comment that this follows the structure of a national wildlife federation draft. I've paraphrased it and changed it. Two points in my draft. First, sustainable development, I believe, means sustainable environment while protecting the economy. I think on balance that of all of the definitions I've seen, that's probably the definition that worldwide drafters intended. It is very confusing. Perhaps you'll ask me if I've included it without a precise definition, and I should be faulted; I can't disagree with that. The definition is very difficult. Second, the amendment which you have before you purposely includes economic values to be preserved.

Now, what if the federal government is disinterested in this government's position which you finally will put forward? Well, it is feasible that the Alberta government could draft its own provincial Constitution. I remember maybe a year ago – I heard this over the news – that a province in Canada may just simply draft their own Constitution. I thought to myself: what is wrong with that? I didn't see that as newsworthy, only that maybe they should. I'm not sure what the Charter did to constitutional law, but I know that section 52(2) does say that "The Constitution of Canada includes." So "includes" has legal significance, and that means that there are broader categories other than those that were stated. Perhaps you can discuss the appropriateness of that at the end of your task.

My most important point is this: what if an environmental amendment malfunctions? It could either malfunction because you could propose it but it would be not accepted by the government or the people or the federal people, or it could malfunction because it would be accepted but wouldn't have a lot of legal value. Well, if this is the case, there are three scenarios under my point seven that I think are really, quite frankly, valuable to you.

Number one, you still have a strong provincial statement that resource management belongs in provincial hands, and I do believe that's the position of this provincial government.

Second, the federal or provincial levels of government with more commitment to the environment or to natural resources may end up with the benefit of the doubt on a sections 91 or 92 controversy. As we know, in 1867 environment wasn't specifically given to the provinces or to the federal government. I hear today that the reason is because it was indivisible, which it is, but I think the reason is because 130 years ago we didn't think about it. We thought, rather, of other things, and we didn't see that technology would force our hand on the resources we have. They do have to look at sections 91 and 92. They do have to look at whether "Peace, Order, and good Government" may give the other level of government more right to it. So maybe an early commitment by this province in writing that you believe you have the right to this environment and that you propose an amendment could have some other value.

Finally, what if I'm wrong on all of these, and what if I'm wrong on all of this? I still think the symbolic importance of an environmental amendment is quite powerful if everything else fails.

In conclusion, we're clearly at a crossroads in Alberta and in our constitutional history. I have no doubt about that. The unusual thing is that the two main roads leading into this intersection I think are constitutional and environmental. The reason it's valuable to Alberta is because in this province we have people who actually do care about it. I believe that. I also know that we have the best resources in the world, so we have every reason to take these things seriously, to do something about it. I don't know where this point in history will lead us, but I do feel that by recommending an environmental amendment to your leaders, you will perhaps be taking the road less traveled, but the selection of this road, I truly believe – I know by your comments, Nancy, that you feel the same way. I've looked back in my own life. I've taken a lot of roads less traveled, and it really has made all the difference, and I have never forgotten that.

I've stated, finally, that from a legal perspective environmental management is a question of management shared with all levels of government: local, federal, provincial, and international. Therefore, you have the chance in Canada to use your discretion with the environmental platform to perhaps bring Canadians together with a better Constitution.

Those are my remarks.

MR. DEPUTY CHAIRMAN: Thank you very much.

Mr. Chivers.

MR. CHIVERS: Bill, you'll be pleased to know that there have been two prior presenters who also support your proposition, so I'm sure you'll find that encouraging. You mentioned as one of the rationales for an environmental amendment the relationship to aboriginal rights, and I wonder if you could just clarify a bit what you meant by that.

MR. TILLEMAN: I'm not an expert on aboriginal rights, but I do know the Supreme Court of Canada in the Sparrow case has recently given those rights more legal significance. I do believe all of us, by being aware in Canada, know that one of the important things to the aboriginal peoples is the environment. It's part of their religion, as it's stated, and I guess if we lived long enough on the land, then we would recognize why this is so.

MR. CHIVERS: Thank you.

MR. TILLEMANN: You're welcome.

MR. DEPUTY CHAIRMAN: Bob?

MR. HAWKESWORTH: Your point about the road less traveled. As Barrie has pointed out, it's the third presentation in the last two days, so it might not be as "less traveled." I think a lot of people really share your concern here about how we manage the environment and these issues in our process of constitutional review. Could you spend a bit of time just talking about this balancing of rights? I think one of the concerns the province of Alberta, at least the government, has expressed is that the federal government might use the environment as a way of dictating the pace and the style and the timing of resource management in the provinces. Of course, environmental management has to do with our collective rights of living together as opposed to the individual right of a person or a company to put in a strip mine or part of the ongoing economic rights of property and economic development. I'm wondering if you could explain how you see the balancing act between all those different kinds of pressures given the kind of draft you're proposing here.

MR. TILLEMANN: Sure. It is a tough question to answer. If you mention other provinces or the federal government, to me that immediately invokes issues such as interprovincial traveling of contaminants in air or water. Of course, I don't know how to best balance the rights. The receiving jurisdiction, wherever the air pollutants flow or the effluent tends to flow, probably don't receive the economic benefit. Therefore, that's where their challenge comes from.

I recognize that balancing is very difficult. I think an easy solution to the problems we've had, most of which unfortunately tend to be emotional, might be to strike a committee of people who live in both jurisdictions and who could represent both interests to review projects in advance which have an interjurisdictional effect. The most important part of environmental law, as far as I'm concerned - and I do have the luxury of making a choice when I teach this - is environmental assessment law. That, in layman's terms, means that if you look at the project accurately enough up front and ensure, hopefully, that it won't have the effects down the road, then you won't have to worry as much about running around and enforcing all of the difficult laws.

Having said that, the next question is: how broadly do you put this team together? If it's a local project in the city of Calgary affecting the Bow River, then it's the Bow. If it's a northern project in Alberta with impacts out of Alberta, then you have to put together a committee made up of different people, I honestly believe. The toughest question which then you would ask is: what about international impacts, which in southern British Columbia are a real problem? Perhaps not so in southern Alberta. Then perhaps it's a bilateral type of an agreement between adjacent countries. There are no easy answers, but those are my gut feelings.

MR. HAWKESWORTH: I appreciate that. Thank you.

MR. TILLEMANN: You're welcome.

MR. DEPUTY CHAIRMAN: Thank you very much.

MR. TILLEMANN: Thank you very much.

MR. DEPUTY CHAIRMAN: Our next presenter is George Wusaty. Is he present? No? Well, then we might get back on schedule.

Then it would be Richard Westbury. Nice to see you again, Dick. Welcome.

MR. WESTBURY: Thank you. I find these rather forbidding. I tend to speak with a loud voice, and there's two electronics. Like most of us, I'm suspicious of them. Having just dialed one number this morning and got somebody totally different, I did it again, and it went through again to the wrong number. Marvelous.

2:20

MR. DEPUTY CHAIRMAN: We've got a pretty good *Hansard* apparatus here.

MR. WESTBURY: I'm actually here to present two briefs. One I've lodged a copy with the lady outside on behalf of the Calgary branch of the Monarchist League. It's one that was presented to the Spicer commission. It extends, perish the thought, to four and a half pages of type. In actual fact, it's very tightly reasoned, and it's commendably concise, and it's very all embracing. I say no more. It is, I think, a useful contribution.

My own observations touch upon a problem that I suspect is dear to the heart of anybody who's been involved in the political arena: the wild difference between fact and the public's perception of fact. I've made inquiry and had a very interesting conversation this week with a gentleman who's on an exchange posting from the *Montreal Gazette* to the *Calgary Herald*. I discovered that the impression I have held is probably correct: that the man or woman in the street in the province of Quebec who speaks only French probably has a quite remarkably lopsided impression of what's going on in Canada.

How does one bridge that? Everybody in the room can write to anybody in Quebec expressing an opinion, and you're going to get a yawn. That's a one-sided view. There are very few totally impartial bodies in this country, or indeed any other, who are informed but are outside the political process. I believe one such group might be retired judges, who by definition have to be of high intelligence and very well informed. [interjections] There's an undercurrent. I'm not going to get involved in that one. I've met many judges, and occasionally they're just as foolish as the rest. The fact remains, though, that these people have been at a high level of public concern and are specifically not part of the political process.

I believe such a group as that could be charged with creating a list of the topics which will have to be discussed in the event that Quebec decides to go the Rhodesian route: unilateral declaration of independence. That appears to be what Parizeau is moving towards. He's running around saying, "Oh, of course there'll be no problem; everything will be just the same." English-speaking Canadian opinion is very slow to coalesce. It appears to be doing so now in the light of the enactments relating to language that have been imposed in Quebec and apparently the new tendency to say that a person may be refused a job because he is not a Québécois de pure lignée. If somebody's name is McDonald, they're refused a job even if they speak no language other than French. That is just as truly racist as anything that's ever been done in South Africa, and if it isn't, it will be perceived so by English-speaking Canadians from one end of the country to the other if they decide to depart on their own.

If that happens, it's quite possible there will be no diplomatic representation whatsoever between Ottawa and Quebec, but there would inevitably be working committees set up to discuss a thousand and one topics. I believe the group of retired judges or whoever that I suggest could usefully formulate a list of topics but not pass judgment upon them: boundaries, the national debt, civil pensions, Crown service, banking currency, and all the ramifications thereof.

Mr. Parizeau is an economist who said: well, of course, there's no problem; we can go on using Canadian money whether Canada wants it or not. I have a suspicion that the gnomes in the Bank of Canada would be able to overcome that one in a hurry. I'm not sure how they'd do it – I'm a geologist, not a financial type – but I'm quite certain they could certainly discover themselves with no financial structure whatsoever.

The loss of equalization payments and contracts to repair fighters or to build ships couldn't help but be detrimental. The loss of most-favoured nation status: it's entirely possible that this or that country elsewhere will flatly refuse to give them such status. It might have a very severe impact. I've no idea what it would be, but it could be severe.

Representation in Canada. If English-speaking Canada is wild enough, it might get none. It might even get sanctions. Rhodesia got them. South Africa is allowed an ambassador and nothing more. Who can tell? The U.S.A. had a rather substantial war over exactly this issue: a part of the country took off on its own. If Quebec goes for secession, that would be in fact, I believe, a classical *casus belli*, a cause for a civil war. Perish the thought that it should happen, but it would be a factor on the table.

I believe the list that I contemplate could include also the fact that the native groups in Quebec apparently are constantly at strife with Quebec City over the use of French rather than English. They have their own language and perhaps an imperfect knowledge of English but enough to get by with, and they resent being called upon to speak French. A French Canadian umpteenth generation in Canada cannot send his or her children to an English-speaking school, because that's naughty.

If French-speaking Quebec resorts to the proposition that they can leave without permission, can English-speaking segments of the province leave and rejoin Canada? That's a question that is bound to be asked. If they're going to go in for racist things, what are the reverberations that will go beyond? Will they get the frontiers of the Treaty of Paris, 1783, of Confederation, 1867, or of yesterday? If they leave taking any of the earlier frontiers, they lose James Bay and most of their mining, which would be a very reasonable compensation for part of the national debt.

These questions, I think, should be got through to the voters throughout Canada. I will suggest that the mechanism for doing so would be the system of the tax department. Everybody who pays taxes is in their machine, I presume, and some of the ones who don't pay taxes. If it's sent in both languages to everybody in Canada and as the names are spelled out alternatively French first/English first so that nobody can claim prejudice, I believe the very hardheaded, sensible people in the back streets of Quebec, the backwoods of Quebec, will sit down and say: "Now, wait a minute. Who is taking us for a ride? Is it the wicked English, or is it our own self-seeking, secessionist politicians?" I think there's a degree of self-seeking interest in this.

I think if the media see something scandalous and something regrettable and reprehensible, they'll blow it up. You don't get a good news story about somebody who's delighted with the welfare department for fixing their roof. If somebody is evicted for keeping skunks in the basement, then you've got a lovely

story. I think this is a general malaise of the press. Where you've got irresponsible people toting thoroughly improper concepts, of course they'll run the story. There's no news in good news.

There's a concept I'd like to lay before you. I believe it has merit and would not require too much fuss. The Constitution itself, probably the BNA and as amended, isn't that bad, but there are a few things that need clearing up. The triple E Senate. To get the equal part of it will require an amendment to the Constitution. However, we've seen one elected Senator inserted. I believe Mackenzie King used to have a mechanism to get rid of cabinet ministers if he didn't want them by getting a presigned letter of resignation. There's no earthly reason why, if it were agreed, the Prime Minister in concert with most provinces – and I suspect all provinces would be delighted to go along with the arrangement – could depute their recommendations for Senators from the individual provinces, who select their own method of nominating people. It might be the dogcatcher from High River has a hereditary right; it might be a process of election, with a letter of resignation after five years, 10 years, three years. Although never exercised, the effective powers of the Senate, I believe, are extremely formidable. If they exercise the powers they've already got, it doesn't take a constitutional amendment; they're there.

2:30

The matter of self-government for natives above a community level, municipal level, I suggest is creating a problem for perhaps 50 or 100 years from now. With the normal percentage of less than commendable people, the Indians and Eskimos survived very well for a very long time. They're capable. They're able. They're beginning to cotton on to what they can do with their tax-free status. Two hundred years from now we may have a series of little independent states within Canada who are tax free but get all the benefits of Confederation. That won't work. They had a revolution in France about that in 1789; a segment of the population was exempt from tax.

The 1982 Constitution has rendered the Parliament of Canada and its three parts – the Crown, the Senate, and the Commons – as a second-grade Legislature. The appointed Supreme Court is now supreme. That needs to be adjusted. At the moment Parliament cannot override the Supreme Court without a great deal of trouble.

The last constitutional point I would make is that if immigration is deputed to any province, it's creating a problem. That provinces should recommend that this or that individual should be admitted, no problem, but if they have the authority to admit them, we may get people who are unacceptable to nine provinces admitted in one. We may get all sorts of absurdities growing up. As truly as the previous speaker said the passage of noxious gases across the provincial frontier, the passage of noxious people is a federal matter, a dominion government matter, not a provincial one.

Finally, I would like to suggest that the unending process of eliminating the signs and symbols of Canadian loyalty and patriotism must cease. Every sign and symbol has been assaulted. My family has been on this continent since the 1620s. I was conceived in this country, born in England. The depression hit, the family returned to England; there was a little bit to salvage. I grew up there. Having seen Australia and New Zealand, I chose to come to Canada. I believe I have a fuller right than some to speak of Canada. We've got an excellent chance of destroying it if this thing's done wrong.

We've got to get to the very sensible people, who are the majority of the French Canadians within Quebec. I believe I've suggested a mechanism – no doubt there are many others – that might accomplish this. We cannot tell them that this is how it is. We can tell them that these are the topics that will be discussed, and I think that will give them pause. The French ethos in Quebec is not a bedroom farce. It was hardheaded survival in the wilderness when they first got here; gold coins under the hearthstone, if you like, rather than frivolity.

Thank you for your time, sir, everybody. If you have questions for me, I'll submit. I do have one question I'd like to ask. Couldn't we have had slightly better signs that would be more visible?

MR. DEPUTY CHAIRMAN: Sorry. I don't know, Dick. Are there any questions? Sheldon.

MR. CHUMIR: You have a reference here to multiculturalism being shifted over to the responsibility of individual groups. I take it you're suggesting that programs which encourage . . .

MR. WESTBURY: The proposition that multiculturalism funding should perhaps be diverted from encouragement of continued adherence to exotic societies to frankly helping them settle in Canada. On that one, I was impressed when I first saw a Stampede parade 30-odd years ago. There was a Caribbean-Canadian float; there was an Ukrainian-Canadian float; there were many others now described as ethnic but based on culture. People who came here or their grandfathers who came here from far away felt enough for their roots that they preserved manifestations of them. Now we appear to be encouraging the creation of exotic ghettos, psychological if not physical. I've had quite a bit of contact with some of the emergency people. The one thing I gather the ambulance people in Calgary dread is to be invited out to a dispute among some of the Orientals who have brought in southeast Asian prejudices and fight them out with knives. They've got absolutely nothing to do with what goes on in Canada. If you go back to the European context, there were some splendid wars fought between Scots and English, between Poles and Germans, and so on. Apart from a few snide jokes on Saint Andrew's Day, they pretty well disappeared.

MR. CHUMIR: So you're suggesting that cultural retention is the responsibility of individuals rather than the government.

MR. WESTBURY: Emphatically, and if they think enough of their roots, I'm certain it will be done and done well. If the funding that is available is diverted rather to English as a Second Language and perhaps French as a second language, they can retain the religion they brought with them, the taste in groceries, music, et cetera, et cetera, but also fit into the society and, incidentally, prosper better. If they live in the ghetto and continue to talk mixolydian – whatever that is – frankly they haven't got a hope in Hades of getting a decent job.

MR. CHUMIR: In many ways you sounded like a strong nationalist but didn't really talk about the division of powers. Since centralization versus decentralization is part of the fundamental fight we're going through now . . .

MR. WESTBURY: Indeed it is.

MR. CHUMIR: . . . I'm wondering whether you would advise: are you in favour of a weaker federal government, of transferring more powers to the provinces?

MR. WESTBURY: No. I think the balance that has evolved over the generations since 1867 by and large works pretty well. There were anomalies. One of them was the natural resources that were passed to Saskatchewan and Alberta in, I believe, 1930. Obviously, when a new circumstance of environmental concerns arises, there's got to be a process of adjustment. It's perfectly blatant that if somebody spills muck in a river in this province and it goes into Saskatchewan, it comes under national authority, not the provincial. But quite frankly, if somebody insists on keeping skunks in his backyard in Calgary, it's a purely provincial matter. Obviously, there has to be give and take. I personally deplore ironclad one-document written Constitutions because they tend to become a straitjacket rather than a suit of armour that protects you from trouble. They don't evolve unless they're constantly being changed. Nobody thought of the misuse of computers 40 years ago; 10 years ago it was becoming a problem. There's been very little done about this so far. There are clever people who can tap into all sorts of computers and find out the ruder details of all our lives. You can't contemplate such an evolution as that in a written Constitution; it's something that has to grow.

MS BETKOWSKI: I want to raise a question with you about your point on the appointed Supreme Court having dominance over Parliament with respect to certain actions of Parliament. That of course has evolved with the Charter, which is arbitrated by the court. You didn't give us a suggestion of what to do with that reality. Would you put in another institution, or would you weaken the Charter? There may be another alternative, but I'd be interested in your thoughts on it.

2:40

MR. WESTBURY: I'm inclined to suggest that perhaps the Supreme Court of Canada should be the Senate . . .

MS BETKOWSKI: Should be the Senate?

MR. WESTBURY: . . . and appoint those people to be Senators. It becomes, then, part of Parliament. That's a thought off the top of my head at the moment. Your colleague here is learned in the law, and I believe you are. I am not. I'm a geologist, and it's been asserted that I have rocks in my head instead of law books. I'm quite certain it's within the scope of human imagination to evolve a proper adjustment to this. I think the Charter of Rights may have been a mistake. It's entrenched now. Will it evolve? Will it encompass rights that are now taken for granted? Will it become the limit of your rights or the beginning of your rights? These are very early days. I don't know how many cases have been through the courts covering how many segments of the Charter of Rights. I doubt very much if the whole thing has been digested yet by the courts. You can answer better than I.

MS BETKOWSKI: I just want to get in.

MR. CHUMIR: I was just going to . . .

MS BETKOWSKI: On my question.

MR. CHUMIR: No, it's part of it. Just to help along the discussion, just to . . .

MR. DEPUTY CHAIRMAN: Well, let Nancy have her second question, and then we'll see whether it gets resolved.

MS BETKOWSKI: Some would suggest that the Charter has in fact become a discipline for governments, that in the passing of laws they have to affect people equally and can't advantage one over the other.

MR. WESTBURY: I don't quarrel with that one bit. But will it evolve into being a discipline for everybody, the ultimate limit of your rights or the beginning of your rights? Where it's written down, there is a hazard that it will become the limit.

MS BETKOWSKI: Thanks.

MR. DEPUTY CHAIRMAN: Sheldon, did you want to . . .

MR. CHUMIR: Well, I'm wondering whether we don't already have an answer in the sense that Parliament and the provincial Legislatures are supreme with respect to the Charter, because you have a clause in there, a notwithstanding clause, which says that any Charter decision or right can be overridden by the Legislatures. In fact, that's what Quebec did with respect to Bill 101.

MR. DEPUTY CHAIRMAN: Only for some things.

MS BETKOWSKI: Not any one, Sheldon; just some things within the Charter.

MR. CHUMIR: Well, the basic Charter of Rights.

MS BETKOWSKI: Basic equality rights.

MR. WESTBURY: I have to defer to those learned of the law.

MR. CHUMIR: Thank you.

MR. WESTBURY: School is out?

MS BETKOWSKI: You got us going.

MR. DEPUTY CHAIRMAN: Thank you very much, Richard. It was a pleasure to have you before us.

MR. WESTBURY: If I may take this along as a souvenir. If I ever have an identity crisis, I'll hang it on myself upside down.

MR. DEPUTY CHAIRMAN: The committee would invite David Thomas for his presentation.
Welcome.

MR. THOMAS: Thank you, Mr. Chairman, committee members, for giving me the opportunity to speak to you today. I'd like to commence, if I may, with two general comments. First of all, don't be deceived by my slight Welsh accent. I've lived over half my life in Calgary, married a native Calgarian of pioneer stock, so like our previous speaker I feel very much Canadian and would like to make that point at the outset. My second point is that I know by 2:45 on a Saturday afternoon you may be feeling slightly worn out. It's cruel and unusual punish-

ment perhaps, to coin a phrase from another jurisdiction, to have to spend a Saturday afternoon listening to so many presentations. My midafternoon lectures are traditionally difficult to deliver, so I'll try and be as specific and as brief as possible to give us time for questions.

This submission came about because I gave some testimony to the Edwards-Beaudoin committee, the House/Senate joint committee on amending the Constitution. When I did so, in the question period afterwards I was asked to submit my views on Senate reform because that had come up during the debate. I did so and thought that would also be of some use to your committee as well, given Alberta's abiding interest in the subject. At the same time, although I will focus on Senate reform given the time limits, I realize that the whole thing is like a Rubik's cube: any time you move a piece of the Constitution, other things look odd and need to be shifted as well. So you've got a gigantic puzzle here, and I think you can see that reflected in all the submissions we've had today. There is this inordinate complexity now to the situation.

I've tried to write something in the submission I made that takes into account current political realities, that presents ideas that are workable, practical and, at the same time – and I think this is important – compatible with our existing institutions, as compatible as possible, because changing radically is indeed difficult to do. I also realize that writing about the Senate is something of a cottage industry. I mean, if there's been an academic growth industry in the last years, it's Senate reform. Now, given the importance of the topic, however, we must address it, whether we wish to or not, as part of the overall problems we face, and an important part. Finally, as an introduction I would like to make the point that major Senate reform of the triple E kind is a very significant step. It's not an incremental change to the Constitution. It's not something that's in the normal tradition of constitutional change, where you make an amendment and then wait and see if it works and so on. It is a significant and major step and shouldn't be underestimated as to its effect and its complexity.

Now, my thesis, which I've tried to present in the brief, is that in order to have an elected and effective Senate, it does not have to be pure triple E. That's the basis of my presentation. I think there are variations on an effective and elected Senate that are worth considering, and it's worth considering certain details because these details are in fact vital. Now, I will not deal with the first five or six pages of my brief where I tried to set a sort of context for change. I'm sure you're well aware, more aware of it than I, in terms of popular opinion, popular views on the need for Senate reform and so on and why that has taken place, including certain current developments, recent history of Senate activity, shall we say. So rather than dealing with the context of Senate reform, the demands, I'll turn to the points I made in the brief in terms of the issues, the five issues I've raised, and try and work my way through those.

The first point I made was that absolute equality, although it's been Alberta's stated position each province should be equal, is not in my view absolutely essential. I think there are alternatives, and I've suggested one. I've suggested a modified set of numbers there; for example, basically 12 for Quebec and Ontario, six for Alberta and the other provinces, two for P.E.I., and two each for the territories. Now, I've offered an argument as to why those numbers are likely to work, and I would urge us to consider this as a possibility simply because the U.S. Senate model is not the only effective second Chamber to which we can look. It's the one we know best. It's the one that seems to be the most appealing perhaps, but if you look at other federal

systems – Germany, for example – you'll find powerful second Chambers, such as the Bundesrat, which are weighted. The votes vary from state to state there, and you've heard this testimony before from Dr. Watts in the earlier hearings. I think my numbers make some sense. However, they're not driven by a population formula. It's a tiered system essentially, and it provides for a certain measure of regional equality as well. The reason I suggest this is because I think this, if anything, stands a greater chance of being accepted than the straight equality model and, for that reason alone, is worth considering. That's my number one issue: numbers.

My issue number two, absolutely crucial to this whole debate, is the powers of the Senate. I heard the previous speaker say, and I think he's correct, that the Senate already has considerable power. Its existing powers are significant. The problem is it can't exercise them effectively given the nature of the appointment process and its legitimacy. So I'm suggesting that a Senate could make effective use of its existing powers if it were elected and came about in a different way. I've argued that we could strengthen the Senate's role constitutionally by giving it an amending role that is stronger than its current amending role. Now, as you know, at the moment the Senate only has a suspensive veto; in effect, it's 180 days on constitutional amendments. So I'm suggesting the Senate will have a full and effective voice in constitutional change. I know that would have to be linked to other elements in our amending process, and you'd have to do that. You have to look at that as part of the overall process, which we're doing and which Edwards-Beaudoin is wrestling with. So I'm not suggesting you take this in isolation, and I haven't given you the full sort of scheme here, given the time.

2:50

At the same time as the Senate can have these effective powers, I think you have to have a mechanism for resolving deadlock between the two Chambers, and I don't think we necessarily spend enough time on this. You can have mediation committees as one suggestion, but you can also have the Senate only having suspensive veto powers, which I am not recommending; in fact, I'm recommending something rather different. As a mechanism for resolving deadlock, I am suggesting a special vote – two-thirds is suggested – where in a free vote the House could override the Senate. Now, I'm suggesting this deadlock is a worrisome prospect. If you look at Australia, you see examples; 1975's classic, where there were considerable difficulties between the two Chambers.

I'm also arguing that ultimately the sovereignty of the House of Commons would be protected without, at the same time, meaning that you don't have a powerful and effective Senate. I think there are mechanisms for doing both. I could add and people have added the notion that the Senate could have a role in appointing people to various commissions, CRTC and so on. Yes, that's worth considering. I'm a little more dubious about the Supreme Court. I think that's somewhat different. I realize we have different principles in conflict here: absolute equality of the provinces versus the sovereignty and the absolute sovereignty of the House of Commons, and majority rule and so on. I don't treat these as absolutes. I think that's a mistake. I think we treat too many things in the country as absolutes, including rights. They're not; they rarely are. They're compromises. They're in conflict; they have to merge, they have to blend, and that's what I'm suggesting.

My third issue is elections. Now, this is a wonderful one for political scientists. There are all sorts of possibilities for

elections, as I'm sure you've heard. Fixed terms are still worth considering, and I'm willing to argue that's the case, but in fact I'm arguing that we should link Senate elections to provincial elections and not have a fixed term that's a variable term. There are some interesting arguments about the rate of turnover. I've looked at that, and I don't think the rate of turnover would be that great. If you just consider Alberta elections, Senators would have been in fairly consistently and would stand a good chance of re-election in a reasonable way without causing undue turnover in a Senate if you simply linked it to provincial elections.

I've argued in the brief that there are good reasons for doing this, because otherwise you run the risk with separate elections of getting completely out of whack on what's happening in a province. I gave you an example, which some of you may have liked, where you could have an NDP government provincially and six Reform Party Senators federally. Now, that would be an interesting juxtaposition of power, I would suggest, and any other combination one can think of. So I'm suggesting you could link it to provincial elections, and I see this as something of a compromise. You want to preserve the Senate as a national institution – I grant you that – not simply as in Pepin-Robarts where they suggested that the Senate be delegates from the provinces and speak only on behalf of the provinces. I'm not arguing the Pepin-Robarts approach, which is the approach used in Germany in the Bundesrat, but I'm still saying that we should try and preserve a reasonable link to the electorate in the province and what they're thinking and what they want. So that's my suggestion.

Fourthly, Quebec. Now, here's an obvious stumbling block to the whole process; people have made this point in previous testimony. But I think you have to see Senate reform as part of an overall package that will involve Quebec. While I regard the chances of our reaching agreement on all the issues we're talking about – well, frankly, I'm fairly pessimistic about our ability to reach agreement on all the bits and put them together, sorry to say. But I think some of the suggestions I've made would make genuine Senate reform at least more attractive and more feasible and viable in a Quebec-linked set of reforms, which go far beyond the Senate, as we know. They deal with a division of powers and all the other things that have been mentioned here.

Now, I am also suggesting, however, a double veto or a double majority in the Senate, as has been suggested by, for example, Clyde Wells, where Quebec would have rights pertaining to language and culture which would require a double majority, a Quebec majority, and an absolute majority in the Senate. I see some problems with this one, because defining culture is so difficult; for example, everything from radio and television to the division of powers itself and education and so on. This gets to be a very broad question, and I'm suggesting that's probably fraught with all sorts of problems that might well not be acceptable to the rest of Canada anyway. So every province would have equal powers in the Senate under this approach I'm suggesting, not a double majority.

The final suggestion I've made – and I will try and be as brief here as I can – is native representation in the Senate. I've suggested equality with a medium-sized province, if you wish, of six native representatives. Now, I know I'm being presumptuous here. I'm another white academic speaking on behalf of native Canadians, making suggestions which they might find unacceptable. I realize that, but at the same time, I think it's worth considering. It would provide a national voice, it would provide a focus for that voice, and it would encourage a consensus. Now, I haven't discussed how those six representatives would be

elected, but I think there are ways of doing that through a native assembly process. I really think it is in fact worth discussing, but I'm not suggesting it for any other group. I think our aboriginal peoples, given their territorial claims, have a claim that is unique and very different from, shall we say, black Canadians or hispanic Canadians or British Canadians or any other group we care to name. I'm putting them in a different category for this purpose.

To conclude, I think we are sometimes in danger of taking too simplistic a view of Senate reform, as well as some other things. I agree with a remark made by the chairman of the original committee, Mr. Horsman, when he said Senate reform must be seen in this larger context. I think he was right.

My plea to this committee is not to get locked into only one answer to this particular issue. We have choices on a whole range of things, and it's our overall vision that will ultimately guide us, if we can get one. It is that overall vision, that overall sense of what we want Canada to be and what we want in addition to a triple E Senate, that I think you can see coming through in all the submissions you must be getting.

So that's it for my presentation. For the brief remaining time I'll try and answer questions on the Senate or any related issues. Thank you.

MR. HAWKESWORTH: This whole question about what to do with the Senate is an intriguing one. I guess the question is along the lines: what is the purpose of reforming the Senate? Is it simply to remove an offensive patronage trough, or is it for the Senate to protect the interests of minorities or the interests of regions, the interests of provinces at the national level? If it is to protect the interests of provinces, why would we choose to strengthen the Senate? Why not strengthen the provinces or conversely, you know, do something with the House of Commons, maybe more along the lines of proportional representation to make it more responsive to the people in that form? I guess I'm asking you a sort of host of questions all at once, but what do you see as the prime purpose for reforming the Senate, and why would that be a better way to go than perhaps some of these other avenues?

MR. THOMAS: Well, I think you're right at the outset. There's a good case for abolition. I think it's difficult, in fact, to make a strong case for the Senate as presently constituted. Some people have done that and have pointed out the Senate's legislative role is still important and so on. I grant you there's a strong argument, if you like, going in the direction of your question. At the same time, what I tried to argue in the brief is that for many people, particularly in western Canada but also I suspect in the maritimes, the whole idea of Senate reform has become linked to the idea of an effective regional and provincial voice at the centre which is not at the same time too parochial. They see it as a sort of balancing mechanism. Not merely, if you like, a mouthpiece for a specific provincial government which could be elected with a mere 41 percent, shall we say, of a provincial vote, but in a sense a mechanism for obtaining a larger perspective, a broader perspective on things freer from party discipline, which people dislike and distrust for a variety of reasons, with individuals who will be more able to vote free of party lines and their conscience, as it were. So if you like, I think they see it as an essential balancing mechanism in between strong provinces, which people still tend to want to some extent, and a reasonably strong central government, because people do not want decentralization to go too far anyway.

I mean, one can hear it today, but if you listen to the Spicer commission and what people are saying, they're arguing that we cannot, if you like, take away powers from the centre without rendering our central and national government and vision more or less useless. So the Senate they see as part of both, as that balance between maintaining reasonably strong provinces and strengthening the centre at the same time so that it is not (a) subject to straight party majoritarian rule by the House of Commons, and (b) driven by two provinces essentially because of the basis of that majoritarian rule, Ontario and Quebec. That's really my answer.

3:00

MR. HAWKESWORTH: Thank you. I appreciate that.

MR. DEPUTY CHAIRMAN: Nancy.

MS BETKOWSKI: Mine's a variation on the same theme. It's really your suggestion, which I'm fascinated by, of Senators being elected along with the provincial election process. Presumably that is a furtherance of your view that you then break down the federal party discipline because you're voting provincially but you've got a national perspective.

MR. THOMAS: That was precisely my thinking. Now, I looked at all the other schemes that have been concocted over the years. They've ranged from holding elections at the same as the federal election and having Senators elected for the duration of two Parliaments, 50 percent each time. You could theoretically be in for eight years normally: two four-year Parliaments. I rejected the federal election approach because I did want to move it out of the sphere of federal party politics, which I think people have a deep distrust of. At the same time the other alternative, which is the fixed term, creates a whole host of other difficulties. I then think we're into reform of the whole process, and we have to start looking at electing the Prime Minister and fixed terms for the House of Commons. I mean, we're Americanizing the whole system. I don't think we have to go that far to get an effective answer.

So, yes, that was my compromise. I thought about the two-term rule for the provincial election too, but that could get too long. You know, you could have somebody in for eight years with no election. I think people need and want more accountability. Let's face it; in the United States there are elections for the House of Representatives every two years. The thing doesn't fall apart. Incumbents stay in. It's possible to do it, I think, and it has some merit, so that's why I suggested it. I realize it's an unusual approach, and there are all sorts of other arguments, but that's the one I favoured.

MS BETKOWSKI: Thank you.

MR. HAWKESWORTH: Could I just ask you one other question?

MR. THOMAS: Sure.

MR. HAWKESWORTH: Six Senate seats in Alberta, elected provincially in a provincial general election. Just one example that we had in city school board elections before we went to the ward system was that we had these huge long lists of 50 and 60 names, which were quite intimidating and confusing for people. We choose instead to go to a ward system for election of the school board. I don't know whether the same process could be

anticipated in a provincewide election, but do you see some potential problems in that way?

MR. THOMAS: All elections create potential problems whatever system one uses. Proportional representation has advantages, and I thought about that, but it has disadvantages too because you tend to vote the party list and the party system. So for every advantage of one system one has difficulties. I grant you that there might be a lot of candidates and so on, and I'm not precluding parties from being on the ballot. The current Alberta legislation in fact says that you may run as an independent or you may run as a party member. People might well vote along party lines, but I would think that you could trust ultimately to the good sense of the electorate to sort out the wheat from the chaff, as it were, to pick people they knew were distinguished Albertans in their own right or representatives of parties for which they wish to vote. I mean, you have the same problem in a mayoralty election in Calgary, don't you? You can have 19 candidates. Well, that doesn't prevent us from working that one out, and I don't think we would have that problem provincially. We would have to take it seriously, yes. That's all to the good. You'd have to get to know what people were and what they stood for.

MR. DEPUTY CHAIRMAN: Thank you very much, David.

MR. THOMAS: Thank you.

MR. DEPUTY CHAIRMAN: Has George Wusaty returned? Is he present? Has Dr. Karen Taylor-Browne come back again? She hasn't. Then the committee will invite Mrs. Sheila Chester for her presentation.

Welcome. Nice to see you this afternoon, Mrs. Chester.

MRS. CHESTER: Thank you. I have followed recent discussions about the Constitution and Quebec's demands with great interest and welcome the opportunity this committee presents for ordinary citizens like myself to give their views on the future of Canada.

To begin with I will state what I do not want. I do not want special status for Quebec, and I do not want the rest of the country to be broken up by massive decentralization, as proposed by Mulroney and the Allaire report.

To deal first with special status for Quebec. This would create a grossly unfair situation where the majority of Canadians, approximately 75 percent, were second-class citizens in their own country. Each province must have the same legal and constitutional status overall. The proposal contained in the Allaire report, a massive transfer of powers from the federal government to the provinces, would be disastrous. Canada would hardly be a country at all but just a collection of small, powerless provincial fiefdoms. Mulroney's incredible betrayal of our sovereignty through the free trade agreement would be followed by this second blow, and Canada as a country would be terribly weakened. Indeed, as I look at the Mulroney government's record, I wonder if their hidden agenda isn't simply the eventual destruction of Canada as a sovereign independent nation. Their strategy seems directed towards making us part of the U.S.A. in the following steps.

Step one: the economic dismemberment of the country through the free trade agreement and subsequent monetary policies of high interest rates and a high exchange rate. Entry into an agreement with Mexico can only accelerate the damage. Step two: the political dismemberment of the country through

massive decentralization. Step three is the continuing destruction of all Canadian institutions: social programs, Via Rail, Air Canada, Petro-Canada, and the CBC. Privatization and deregulation are some of the tools being used to destroy our country. Becoming more "competitive" is the excuse used, but this is simply a euphemism for lowering the standard of living for the great majority of Canadians, thereby destroying the middle class. Step four: finally, when Canada has been reduced to a group of small powerless units, there would be a push to join the U.S.A. because the Americans would be largely in control of our country anyway. Thus we must utterly reject massive decentralization because of this dangerous cumulative effect.

Quebec's fears. I can understand Quebec's fears about losing their language and culture, a small French island in a great sea of English-speaking people. Their fears are probably analogous to my own as I contemplate being swamped by the American culture, but I think that weakening Canada as a nation is not the answer. Indeed, I think that a gradual slide into the U.S.A. would be even more disastrous for Quebec than for the rest of Canada. The Americans would make short shrift of French language aspirations.

3:10

[Ms Betkowski in the Chair]

The two options offered by Quebec. As I see it, Quebec is narrowing our options to a breakup in one form or another. We break up into two parts – separation – or we break up into possibly 10, possibly five parts: massive decentralization. Frankly, if I'm given only those two alternatives, I'd have to choose the former. If Quebec held a referendum and voted for separation, I'd have to say "Let them go," but I'd prefer them to stay. I think that "English" Canada – English is in quotes because that's just a way of describing the rest of Canada – could find a better alternative. However, we will not find that better alternative through the machinations of the Mulroney government. Their attitude to date has been: we alone know what's best for you; we will impose our ideas upon you and try to brainwash you into accepting them. That's closer to dictatorship than to democracy. We have to open the process still further to the people. The Spicer citizens' forum and the other constitutional hearings are a start, but we have to go still further.

A better option. I would like to see the election of a constitutional convention from all parts of the country. All political parties should send representatives, using nationwide proportional representation to decide the numbers from each party. However, the total number of political representatives should be outnumbered by citizens representing the various regions, academic constitutional experts, aboriginal people, other ethnic groups, various age groups, unions, small business, big business, and municipalities. Approximately half the delegates should be women. All the delegates should be elected by the people as a whole.

The timetable. The convention should try to work with reasonable speed, but they should not be restricted by Quebec's referendum deadline. This is too important an issue to be rushed.

Immediate steps for the Alberta government. I would like to see a provincewide referendum held in September asking the following questions. One, do you support Quebec's demands for massive decentralization as outlined in the Allaire report? Two, would you prefer to see regional fairness achieved by a triple E Senate? Three, do you support the concept of an elected

constitutional convention? Four, if so how, should this convention be composed? Select one alternative: (a) only of politicians holding elected office, (b) only of delegates chosen by politicians holding elected office, (c) a mix of delegates representing all facets of Canadian life with a minority of politicians from all parties. Five, do you support the concept of a nationwide referendum upon the proposals put forward by this convention? This, I think, would give us a good basis to start from and would make sure that we hear from all Albertans.

The following is a suggested agenda for the convention. Section one would address increasing regional fairness. The first proposal would be a triple E Senate. As I have previously stated, massive decentralization can only weaken Canada as a sovereign independent nation. A far better alternative would be to give each province an equal voice in national decision-making. No province should have a blanket veto over all areas, but each province could select one area where they would have a veto. For Quebec that might be their language and culture. For Alberta it might be control over their resources and the taxation thereof. The Senate should be given sufficient power to ensure that provincial concerns are met.

The second proposal, enlargement of the Supreme Court. As the Supreme Court is becoming increasingly important, the number of judges should be increased to 12. The judges should be selected by the regional leaders for their general expertise and impartiality in the following proportions: Ontario, four judges; Quebec, three judges; the west, three judges; the maritimes, one judge; the north and aboriginal peoples, one judge. The Prime Minister would need to approve the selection.

The third proposal for increasing regional fairness would be regional representation on the board of the Bank of Canada.

The second part of the agenda, the second section, would address empowerment of the people. The first proposal would be primacy of the Charter of Rights. I think it should take precedence over all other instruments in all parts of the country. The second proposal would be an amending formula. All amendments to the Constitution should be made through a national referendum giving a two-thirds overall majority and a simple majority in at least seven provinces. The questions should be clearly worded and composed by an all-party committee. The third proposal for empowerment of the people would be recall by petition, and I think you're probably all familiar with that concept. The fourth proposal would be referendums. Nationwide referendums should be held on all constitutional changes, important changes in monetary policy, fundamental changes to our national institutions, and upon our immigration policy.

The next proposal would be reforms within political parties to ensure that all members of at least six months' standing would vote nationally to select the party leader and locally to select candidates. I'd suggest the formation of an impartial ethics commission to carefully monitor conflict of interest rules, lobbying activities, and political funding. The latter should be restricted to individual donations of \$500 or less. Large corporations would not be allowed to make donations. At election time all parties should be given free equal time or space through the various media. This might be funded from a central fund overseen by the ethics commission or donated by the media.

My last proposal for empowerment of the people would be proportional representation. My preference would be the system proposed by Paul Fox. He suggested that voters continue to vote within existing constituencies. After the election the totals gained by each party would be calculated within the province.

Then the proportion of the total vote gained by each party would be worked out and seats allotted according to the respective proportions. Within each party the members elected would be the candidates who received the highest proportion of the popular vote within their respective constituencies. In order to avoid a proliferation of small sectional or sectarian parties, gatekeeper provisions would be put in place.

The third section of the agenda for the convention would be actively strengthening national unity. The first proposal is establishing national standards. We should establish minimum standards for health, educational, and social services. They should also discuss ways in which these services can be supplied in the most efficient and cost-effective manner. The second proposal is elimination of internal barriers. Unjustifiable barriers to trade, employment, and mobility should be removed. The third proposal is strengthening national institutions. I believe all institutions which encourage communication within the country should be strengthened: the CBC, Via Rail, Air Canada and Canadian Airlines, the National Film Board, et cetera. We should encourage and create opportunities for citizen groups to meet and discuss concerns, as in the Spicer citizens' forum. It could become an annual event.

The next proposal would be bilingualism and multiculturalism. I believe that the emphasis should be placed on learning at least three languages in order to develop a global outlook. The present multicultural approach ghettoizes the various ethnic groups and works against national unity. Let's bring everyone into the mainstream; we're all Canadians.

The next proposal would be about immigration. I've mentioned this before but feel that it's sufficiently important to stress again. We should have a referendum on immigration policies with a variety of choices offered. Personally, I would like to see more emphasis placed upon a high level of education and the skills needed for a modern economy. I would also like to see a better balance between immigrants from Europe/Britain and those from the Third World.

The next proposal, the aboriginal issue. I think that greater unity would be fostered by an increased recognition of aboriginal rights. The First Nations should be represented at all decision-making levels.

The last section for the convention to discuss would be the environment. Oh, sorry, not quite the last. The convention should discuss ways of embracing the sustainable development approach espoused by the Brundtland commission of the United Nations.

3:20

The last section of the agenda for the convention would be the economy. My first proposal would be to scrap or renegotiate the free trade agreement. The present agreement favours the United States far more than Canada. We should examine it in depth. We should not enter an agreement with Mexico.

Proposal B, worker participation. We should follow the lead of Japan and Germany and increase worker participation in management. Increased productivity should be encouraged by profit sharing and co-operation, not fear and intimidation. There should be a smaller gap between the salaries of management and workers, as there is in Japan.

The next proposal, genuine tax reform. We need genuine tax reform, a graduated system with more tax paid by the wealthy and less by lower and middle income groups. No one should avoid paying tax except the very poorest people.

The next proposal would be consultation. There should be regular consultation between groups representing business,

education, science and technology, unions, and government so that they understand each other's needs. Then the suggestions should be actively followed up.

The follow-up to the convention. When the delegates have finished their discussions, they should present their proposals to the people in a nationwide referendum.

In conclusion, I would like to express my outrage about the diminution of democracy under the Mulroney government. They are deliberately destroying our country, totally against the wishes of the vast majority of Canadians. We love our country and are very proud of it. We do not want to become Americans, fine neighbours though they usually are. I hope that our wishes will be respected and that out of all the turmoil will come a revitalized nation that will continue our great traditions of freedom, decency, and prosperity.

MADAM ACTING DEPUTY CHAIRMAN: Thank you, Mrs. Chester. Are there any questions from the members of the committee?

Mr. Chivers.

MR. CHIVERS: Yes. Sheila, your pages aren't numbered, but on empowerment of the people you spoken of the primacy of the Charter of Rights. I just wanted to be clear there. Where you say that the Charter of Rights "should take precedence over all other instruments in all parts of the country," are you advocating removal of the notwithstanding clause?

MRS. CHESTER: I don't . . .

MR. CHIVERS: You know that the notwithstanding clause is the override that the provincial governments have.

MRS. CHESTER: Oh, yes. Right. If people would accept that, I guess I would. I don't know whether Quebec would accept that, but we could certainly try to persuade them to.

MR. CHIVERS: Also with respect to the Charter, I'm wondering if you feel that there are other rights. You mentioned environmental rights later on in your brief. I'm wondering if you think there are other types of rights that need to be added to or perhaps rights that should be subtracted from the Charter of Rights and Freedoms. I'm thinking in particular of access to information and freedom of information.

MRS. CHESTER: Yes, I would like to see that. I think that should be added, and I also think that we should have an amendment about freedom of speech more on the American model, where you can't be sued if you criticize somebody rich and powerful, as I believe has been the case in recent Canadian history. A magazine criticized certain people whom maybe I shouldn't mention, but they were sued, and I think the magazine almost went bankrupt with the legal fees. So I think we should have a more fairly worded constitutional amendment on that issue.

MR. CHIVERS: I understand. There is a balancing issue there with respect to equality before the law and equal access to the law.

In any event, I wanted to say that you've obviously done a lot of work. This is a very thorough brief.

MRS. CHESTER: I've put the whole country to rights.

MADAM ACTING DEPUTY CHAIRMAN: Mr. Chumir.

MR. CHUMIR: Thank you. A very impressive brief. You've noted here at one stage "the Convention should discuss and establish minimum standards for health, education and social services."

MRS. CHESTER: Yes.

MR. CHUMIR: There is now a strong movement in some provinces, including Alberta, to take over exclusive jurisdiction with respect to these areas and eliminate any role for the federal government. Do you in your mind's eye envisage a continuing role for the federal government in establishing these minimum roles?

MRS. CHESTER: Yes, I do. I think we have to have a strong central government presence in establishing those things. I think without a strong central government presence we wouldn't really get them.

I would like to stress that I would like to see proportional representation tried or discussed in depth. I think this would solve a lot of problems. I think it would eliminate the sort of disparities between municipal and rural voters where the rural voters' vote is far more powerful than the city's vote; also, I think it would solve a lot of problems. I would really like to see that discussed and tried.

MR. CHUMIR: You've also referred to the possibility of Quebec leaving and that you'd prefer to see them leave rather than strongly decentralize.

MRS. CHESTER: Yes.

MR. CHUMIR: I think we've heard that view expressed by a number of people, and I'm just wondering. The thing that's troubling me is what vision we might have of a nation after Quebec is eliminated, taken out of that very crucial spot between Ontario and the maritimes. Then we'd have one province which has over half of the population, over half of the economic power. Would that be a viable entity? Could we do something workable?

MRS. CHESTER: I don't think it would happen, actually. I think if we had a discussion, a convention that really discussed ways of meeting Quebec's demands and soothing their fears, I don't think they would want to leave. I think we should bargain quite strongly. I mean, I don't think we should just say, "Well, we'll have you at any price." I think we should say, "If you go, you'll have to take your share of the debt, and you'll maybe have to reconsider boundaries, and we'll probably not be giving you any more money, not transferring any more money." Don't do it in a threatening way but just make it far more advantageous for them to stay within Canada, within a reformed Canada. I think some of these things could be used to meet their concerns.

MADAM ACTING DEPUTY CHAIRMAN: Thank you very much for your presentation.

I would now like to invite Mr. M.J. Labrie to make his presentation. Welcome, sir.

MR. LABRIE: Members of the Legislative Assembly, I would like to thank this committee on how a changed Constitution would best fit Alberta for this opportunity to submit our

understandings of what is necessary. I say "our" because I represent the Jesus, Mary and St. Anne Abortion Atonement Society, which was set up to make atonement for the greatest immorality that we have permissibly allowed to gain respectability and legality, that is degenerating our society at large into a society of violence. This is also an understanding that developed from meetings with others during the meetings for Spicer commission submissions. Our understanding is that Canada is becoming a strange country to its older, unsheltered defenders: a country of high costs, incentive-stifling taxation, and a steadily growing conviction of the valuelessness of life and violence, violence in the junior high schools, in the LRT stations, on the parking lots, in the family, on the playgrounds, and then suicide too.

3:30

One statistic that has not been compiled yet by Statistics Canada is the high cost to government of all aspects of immorality, from disrespect for God the Creator and His justice through disrespect for life to disrespect for a fellow man's property and marriage rights over a spouse. Every added policeman, surveillance system, closed circuit television, watchman, and audit adds debt/cost load to our young people, who should be going ahead with free enterprise projects for the support of their families, but the tax load destroys incentive.

We are convinced that a government, to be respected by its people and helped by holy providence, must not bribe, encourage, or condone immorality of any sort and especially those that foster a disrespect for human life. The first priority for the new federal Constitution to bring the respect of people and provinces is for them to place the unborn under the Charter of Rights from conception: the most basic human right, the right to life. This, then, would not allow for any reason and at any stage of gestation a direct attack on the life of the unborn. An operation on the mother to save her life, with the loss of the child an indirect result, is then only acceptable. Violence to the unborn has now permeated our society, and daily reported violence is to be expected with no one knowing who will be next. This was brought home very clearly to a mother very much against abortion when her son, about six to eight years old, one day walking outside picked up a dandelion and flicked the top of the yellow flower off and said, "Pop off the baby's head." From everywhere one gets the idea that life is cheap and death can be entertainment.

Another immorality that is destroying our country and our position with holy providence by our condoning it is homosexuality. No matter what inclination we may have, sex must be reserved for marriage, and children must not be prevented except by cyclic abstinence, during which time more concupiscence can be sublimated to affection and creativity. To have just laws against a perverted way of life is necessary to combat the spread of AIDS and the diseases of the venereal life and their impossible cost to our health care plans and systems. Therefore, this life-style must not be condoned, rationalized to the young, or given any acceptance in education. We should maintain the attitude of our just God towards this filthy practice, which He has shown for all time by His punishment of Sodom and Gomorrah, His pre-Christ words in Leviticus that they should be put to death – but since the advent of His son to earth they may obtain mercy, and the full severity of justice need not be exercised – and by His admonitions through St. Paul that they shall not gain the Kingdom of God in eternity. That's in 1 Corinthians.

Now pornography. This is a thing that we are inundated with daily by our media, magazines, papers, shows: sexually explicit or covert material that keeps sexual stimulation grinding at our youth at a time of new and budding potential, when they should be reserving themselves for a beautiful, romantic marriage while sublimating their sex drives into the higher realms of affectionate love and creativity. All sexually stimulating literature and entertainment should be ruled against by law, educators, and all responsible adults.

The impact of prostitution on society is to degenerate it in the individual's feelings of worth, in family stability, in the healthiness of people, in the cost of health care, and in the level of health care possible. Prostitution should be shown in the schools to be the ugly thing that it is. This is showing up on the news every once in a while when they get murdered for their "art." If you listen carefully to a user of these prostitutes, you will hear how he hated that woman in the morning. Now, this is just so common. I'm an unmarried man, and I sort of act like a listening ear to many people, and that's what I hear. A good society is based on affectionate love, not hate. If it is to be allowed at all, prostitution should be taxed via a licence showing freedom from their impossible diseases and a tax to pay for their surveillance and to pay for the expensive health care of these people in the second half of their lives. We think this should be a federal matter to keep the policy equal from province to province, with health care grants being based on how the spread of those diseases is controlled by province.

Rock music involvement has meant the downfall of so many youths into the drug and satanic cults that we think it should be discouraged, to say the least, at customs, in public facilities, parks, et cetera. High taxes for their bizarre operations, at least to pay for the damaged youth and to help pay for the damage the youth indulge in after their sessions, should be considered.

Someone is proposing that marijuana be legalized on the federal level because it would help AIDS patients. This must not be done. This would only depreciate the quality of Canada and Canadians to a new low of selfish sloth. How could Alberta feel good about such a Canada?

A remedy must be found for our native people's problems, which are festering in our country. We are sure that these problems can be solved only by the grace of God, obtained only by making atonement through the system prescribed by the saints and the seers and our resolution to go back to honouring Him and His commandments.

This is the area of our specialized study. These problems, along with Quebec's separatism and Newfoundland's non co-operativeness at a time when accord seemed so possible, are all a part of a worldwide problem and prophesy of a time of nation against nation, reign against reign, and are caused by our world and Canadians having gone to a complete disinterest in what their Creator and Saviour God has done for them and wants of them as their Creator. They prefer to believe that the huge intellectual construction of laws and energy that makes up our universe and beyond, the cosmos, in the way of inert and living matter could have come together with cells stacking regularly according to their kind without superior intellectual guidance or plan and purpose. Therefore, they put away the thought of the direction in which their lives are developing.

If we put aside all thought of responsibility to co-operate with our Creator, we will be putting aside all thought of co-operating with our neighbours of different race, colour, creed, culture, et cetera despite all laws, and finally between similars, until co-operation between parents and between parents and children will be impossible. This spirit of co-operation is made up of the

virtues of love, formerly called charity to distinguish it from romantic or other loves, which our God gladly gives to those who are sorry and atone for their sins and ask for grace – divine help is another word for it – to develop the virtues. This is a very strange word these days, and the news reflects that neglect of the virtues. We must not go into complete contravention of His superior rules and commandments in the way of condoning, legalizing, rationalizing, and paying for the advancement of the grossest and ugliest sins – abominations, He calls them – ignoring His beautiful rules and thinking we will be able to live in harmony and blessings.

We understand that four abominations have developed loudly and clearly in our world that thinks itself so advanced, and these are abortion, homosexuality, child abuse, and satanism. But the killing of the innocent unborn heads the list. Until our permissiveness in these matters that He has shown to injure Him most by the words of the Bible or the writings of His elect or saints ceases, we will have no help with our problems of harmony among nations and ethnic groups.

A new Constitution should rule against all support for groups and literature that break down the stability of marriage and family life such as the paper called *Perspective*, which was delivered to our doors recently and supported by the federal government and which was truly obscene in its disregard for any morality and forced upon every household with or without youth, and they always have a natural curiosity. All feminist propaganda sets women against men and morals, and we think we should insist that the federal government never support that type of propaganda at all.

That is the end of my submission. Thank you for listening thus far.

3:40

MADAM ACTING DEPUTY CHAIRMAN: Thank you.

Are there any questions?

UNIDENTIFIED SPEAKER: Do you have extra copies?

MR. LABRIE: Yes, I should pass them around all right.

MADAM ACTING DEPUTY CHAIRMAN: Members of the committee, do you have any questions?

Thank you, Mr. Labrie, for sharing your views with us.

MR. LABRIE: Will I go, then, or do you want to question me at all?

MADAM ACTING DEPUTY CHAIRMAN: No, I don't think the members of the committee have any questions for you, sir. Thank you very much.

The next presenter is Mr. Lee Gray. Welcome.

MR. GRAY: First of all, I'd like to thank the committee for allowing me to voice my opinions here, and my presentation is perhaps going to be from a little broader viewpoint than from what we've heard from some of our prior presenters. However, the committee might find some of my comments useful.

Why are we here today? The main reason is change. We are in a very rapidly changing world, and it's been very difficult for us as human beings to adapt to that change. Our Constitution is one example. We require a new Canadian Constitution. It doesn't need to be warmed over or fine-tuned. I think it would cost us much less in time and money if we were to form a new Constitution. The present is worn out for today's world. It's

not easy to amend, it's very fuzzy in too many important areas, it's not recognized by Quebec, it's extremely costly to maintain, and it's legally awkward. I understand we already have over 200 constitutional lawyers. There's nothing wrong with constitutional lawyers. Perhaps we need 500; I don't really know. There's an extremely slow legal response to the required adjustments. Lawyers make more money if the thing is spread out over a longer period of time, and I would like to see us shorten up the time from now until we can get a better Constitution which all Canadians will be more comfortable with.

The man before me pointed out some of the changes that we see. The ones that I see are examples. The very institution of marriage may evaporate within the next 25 years, the next generation. The family concept is rapidly changing.

The shine may change, and by that I mean from rights to personal responsibilities. This is an area that we have not been able to bring under control. There is not a proper balance between rights and responsibilities. I think human rights deserve the highest place. I think they have been. However, let me say this: I think we've been given rights, and at the same time as Canadians we have not really shown our responsibilities to the country that we love. I could give you many examples. One of them is the national debt. Many animals show more respect for their offspring than we have in this area. Our national debt skyrockets. I doubt very much if I will pay much of that national debt; I'm too old. We're going to pass that on to our children and our grandchildren. This is unfair. We have not planned ahead for them. We haven't done it deliberately, perhaps; nonetheless, we've done it because of inefficient government.

Now, I'd like to get down to really the crux of my talk, and that has to do with the inefficiency of government. So far we've listened to people who have given us many good ideas. They've been very detailed in many cases. I'm not equipped to give you the details of what our Constitution should have; however, later on in my talk I'll mention a few ways that might overcome that. But we must have more responsibility in relationship to the rights we have.

Our present Constitution seems to hold up progress in all areas. It's very costly economically. It's frustrating from the social aspect. Some people take advantage of it: some politicians; some within the legal fraternity; others, perhaps corporate, who require delay tactics. It requires too many amendments. Human rights is a good example. I think we could fold all the human rights into a new Constitution and have essentially the same thing, perhaps much better. It will provide a fundamental understanding between people. Our laws are becoming much too complex, perhaps partly because we're in a rapidly changing world. As an example of that, the average law going through the present United States Congress has 17 pages, where I think it had seven pages 10 years ago.

One of the things I think would be beneficial: I would like to share something with government temporarily. I'm proposing that we formulate a group to aid and assist you indirectly. Your credibility is low, if not downright horrible. Perhaps it's not all your fault. I would say it's not your fault. Perhaps it's our fault as the voters for not correcting it before now. However, your credibility is nonetheless very low. I'd like to share some of the responsibility on a temporary basis and perhaps speed up the process of getting us a new Constitution. I would like to see the United States Constitution used as a model only as a starting place. If we have better things in our present Constitution, we'll leave them.

I'd like to make a few other comments in that area. Modern Germany has a good government. I'm suggesting right now that

we incorporate in the new Constitution the better things of other governments. We're not Japanese, and we don't want to be Japanese; we're Canadian. We're not Americans, and we don't want to be Americans; we want to be Canadians. However, there's no reason why we can't incorporate some of the better things of their governments. In Germany a lot of the federal laws are administered by the states or provinces, and it seems to work quite efficiently. In Japan they have many things that we could use. Perhaps one of the biggest and best is the relationship between industry and government. It works very smoothly, to our disadvantage. Their educational system is fantastic, the best in the world. Their children go to school at an earlier age. They respect the Japanese government far more than our children respect our government and our people. The educational system is tied with the feeling the people have for their government.

3:50

I would like to see the Canadian flag flown in every school-room. I would like to see our children in grade school sing *O Canada* every day. If our women are too busy or have to go to work, I would like to see some of the normal family responsibilities transferred to the early school. What I've been talking about is to be taught respect for their government, but not only for their government: for other people.

Sweden has some good things that we should maybe use. A friend of mine tells me that our confidentiality law protecting politicians is abused at times. In Sweden at the end of the year they apparently publish everything they have that might be in conflict. I think there are a few areas, perhaps in defence, where that is necessary. But my understanding is that it is abused both here and in the United States.

Switzerland has a very fine government, but one of the most remarkable things about their government is their ability to take people who have several different languages and incorporate them into a very smoothly functioning government. In Switzerland the young men also serve some time in a national military organization. They've got a fantastic thing there. They learn more responsibility toward their government. They have bicycle units. I understand that the whole system is such that they can mobilize in a very short time all these troops who are available in case Switzerland should need it.

I guess maybe I'm reiterating a wee bit, but one of the main things is that any new Constitution we have must be simple to amend; nonetheless, it must meet all our requirements. The reason it must be simple to amend is because we're living in such a fast-changing world. It's extremely difficult for us to keep pace with it. I'm not suggesting that any one person or any one government is responsible for it being difficult to accommodate, because it is. Unfortunately, things are going to go at a much faster pace in the future. Right today, for example, I wouldn't doubt that Mitsubishi sitting over there in Japan is planning to put in a new automobile plant in Nogales as soon as the Americans approve free trade with Mexico. However, as you know, the Mexicans have a new government. They're mostly Ivy Leaguers, educated in the United States. President Bush has a daughter-in-law who is Mexican. He's an extremely excellent salesman, and I'll guarantee you that that's one of the reasons that he's moved it up to the top of the agenda. I don't know whether a national trade bloc would be good or bad. I'm very leery of it. I would hate to see Canada jump into it. Perhaps the best thing we have about the present free trade Act with the United States is that it happens to have a clause in it that we can get out of it in six months.

We should concentrate more on future economic well-being. As far as the division of powers, and I believe we're getting down to the heart of the question that you committee members have to cope with, I believe the powers should be directly allocated to where they're most efficient, with one or two minor exceptions. In other words, if the laws are more efficiently – and I'd like to underline that word "efficiently" – administered by a federal government, that's where I think it should land. Now, one of the minor exceptions – or maybe it's not minor; perhaps it's major – is the resources we have, which have been previously allocated to us. I think we should retain them. I think our environmental issues are more local. Perhaps they should be provincial.

You've asked other people about our aboriginal problems. These are real problems. One of the things I would like to see is the aboriginal people meshed into our society as rapidly as possible. I cannot conceive a hundred years from now – or if you want to be ridiculous, a thousand years from now – society saying: "Whoa, that guy's different. Two thousand years ago some people walked into his land and took it over." I think these people should be encouraged to be meshed into our society as rapidly as possible. I think the lands and the land claims they have should be recognized. If their land is, say, open Crown land and somebody wants to build a dam and the environmentalists have approved it, then I think the Indians should receive proper remuneration just as if some corporation had owned that land. In the case of Indian reserves I think the reserve should be treated as if it's already a corporation. If the Indians want to farm out any portion of it for any reason whatsoever, they should be remunerated just in the same fashion that other people would.

Now, one thing that I would like to emphasize: I would like to see Indians become normal citizens at a much faster rate. I would like to see them educated. I would like to see them want to be Canadians the same way we are, and I would like to see special funds put up at least for a temporary period so that these people can be educated. However, I think in receiving certain remuneration for the use of their Crown lands, those funds could also be allocated. I would not like to see special schools if we could avoid it. I would like to see them go to the University of Calgary rather than an Indian university. I'm sure I don't have all the answers to the aboriginal problem; anyway, those are a few.

Getting back to my main thing, I said I would like to share something with you. I'm suggesting we form a committee to temporarily work independently of present government. But when I say "independently," I don't mean that there would be no discourse. I would like to see a committee of independent citizens draft a new Constitution. I'd like to see that committee utilize all the things available to us here in Canada: StatsCan, whatever. I'd like to see them utilize surveys of how people feel. I'd like to see some discourse between that committee and present government people. I would like to see a new Constitution drafted, incorporating the best things of our present government and the best things of others. When they're through, I would like it presented to the governments in power for their enactment into legislation. I would like to see as little change as possible, and I'd like to see it as expedient as possible. I would like to see it presented to the opposition parties. I think and I feel that if we did a good job, or if they did a good job, it would hasten this constitutional crisis that Canada appears to be undergoing at the moment.

That concludes my presentation. If you have any questions, fire away.

4:00

MR. CHIVERS: Madam Chairman, I just wanted to say to Mr. Gray that he anticipated my questions. I thank him for taking the time and trouble to put together his brief and to present it to us this afternoon.

MR. CHUMIR: I think your position's been very clear, Lee, but perhaps since invited . . . I've been asking those that have appeared before this panel to give us their comments on the fundamental philosophical battle that's raging now as between a centralized versus a decentralized Canada. Of course, there are no absolutes in either direction, but where do you stand in terms of whether or not the provinces should be taking over jurisdiction with respect to medicare and social services as opposed to a federal role?

MR. GRAY: Well, reiterating my previous statement, I feel like the power – and I don't like to use that word too much, but I guess that's what it is – should be relative to the efficiency. I believe we need a Senate, an elected Senate. I would use the United States' one as a model, not that it's the best in the world, but that's where I would start from. I'm not convinced we need a more powerful central government, nor on the other hand am I convinced that we need a more powerful provincial government. I think we need less government. I would like to see Petro-Canada sold.

Thank you.

MADAM ACTING DEPUTY CHAIRMAN: Thank you, Mr. Gray.

Ladies and gentlemen, that ends the formal presentations that were scheduled today. The committee has one hour before the 5 o'clock breakup, and we would invite brief comments from the floor if anyone would wish to make them. I'll just make one caveat. There were three people here last evening who I think did not get a chance to make brief comments from the floor. If it's all right with the committee, perhaps we could ask those three to come in order and present their brief comments, and then we'll open the floor for any further comments. We're actually right on time.

The first – oh, excuse me. I do have a list. Mr. Laatsch – is that right? – then Mr. Grizans, and then Mr. Blanchard. Then we'll open to the floor. Again I would ask you to be as brief as possible.

UNIDENTIFIED SPEAKER: Would there be an occasion next week, two weeks from now, where people who wish to speak for a quarter of an hour, half an hour . . .

MADAM ACTING DEPUTY CHAIRMAN: Sir, the committee is coming back next week. Some of those time slots have already been filled, but if you wish to make a formal presentation, please let one of the people at the front know.

Yes, sir.

MR. LAATSCH: Yes. My name is Keith Laatsch. I'm a Calgarian, a senior citizen, and all the rest that goes with it. I'll be very brief. I think I can do this in less than 10 minutes.

The aftermath of the Meech Lake debacle has precipitated numerous government committees, debates, and public discussions with respect to Canada's constitutional crisis. Never as a people have we been so divided and dissatisfied with the current state of affairs. Before we can resolve this dilemma, we must first understand why we need a Constitution, what its function

should be, and then how it should be drafted and put in place. Very few people have any comprehension in this respect. Consequently, this intellectual vacuum has been filled by some government officials and their elite advisors, who have then taken it upon themselves to inform the public what they think is best. Probably the Alberta committee has made the most effort to have public involvement and should be commended.

Over 200 years ago Thomas Paine, the American pamphleteer, when writing his dissertation on the rights of man prior to the drafting of the Constitution there, stated that a Constitution is not an act of government but of a people constituting a government. In other words, a Constitution is not a law of government but a law to government. Canada's constitutional efforts so far have been the exact opposite. This is why ours has never really worked and will never work until we the people draw up a Constitution we can call our own and be proud to live under.

Why do we need a Constitution? A government, in order to function properly, must have a monopoly on the use of retaliatory force. It is very easy for unscrupulous and power-hungry officials to abuse this monopoly if not controlled. A properly drafted Constitution serves to control government's use of power and is absolutely essential if we are to remain free. Further, a Constitution must also be a charter that recognizes and protects the individual's basic and inalienable rights that belong to everyone by virtue of their human nature. Rights should not be confused with privileges granted by government, as so prevalent in our current Charter of Rights. Finally, a Constitution should specifically define the divisions of power and responsibilities of the various levels of government. The basic principle underlying a proper Constitution, as I see it, should be: a private citizen may do anything except what is forbidden, whereas government can do nothing except what is permitted. Think that over.

If the above reasons for having a Constitution are valid, it follows that the proper method of drafting the document or any amendment thereto is to call a convention of dedicated private citizens selected for their integrity, knowledge, and statesmanship. We've had very little of the latter in the past few years. They would represent regions or provinces equally, and I'm not prepared to say how this would be done at this point. Under no circumstances – and here I'm going to get in trouble – should any current government official or bureaucrat be involved except perhaps to chair the meetings and observe. Remember, a Constitution should be a law to government from the people. They are supposed to be our servants, and government participation would therefore be a blatant conflict of interest.

An acceptable Constitution cannot be drafted overnight à la Meech Lake. It took the Americans over 10 years and was not perfect. Issues which must be addressed – and these are just a few – include property rights, the division of political powers and responsibilities, Senate reform, taxation policies, provision for referenda and recalls, fiscal responsibilities and limitations, the justice system, and national defence, just for starters. Above all, we must have an inspiring document of plain, everyday language which can be understood without the need for legal consultation. We could then start to rebuild this wonderful land into a new Canada where hyphenated Canadians cease to exist and where our native people are given proper recognition and justice. Finally, once the Constitution is drafted to the satisfaction of the convention, it must be submitted to a general referendum for ratification on a 50, 7 formula in order to become the law of the land.

Such a comprehensive reform presents a formidable task requiring statesmanship of the highest order. We should not be averse to using the best features of other countries' efforts – and

I agree with the last speaker – that have stood the test of time. Switzerland, Australia, the United States, and Iceland come to mind.

A Constitution is the very foundation on which a nation stands. It is therefore essential we take all the time and effort needed to make it right. We can get by for as long as necessary with what we have put up with for 124 years. Make no mistake: there is no shortcut for a Constitution which will make us proud to be Canadians. A completely new Constitution is the only way we can secure our freedom to purchase life, liberty, and happiness. It is the only way to establish a new Canadian government of the people, by the people, and for the people.

Thank you very much.

4:10

MADAM ACTING DEPUTY CHAIRMAN: Thank you, Mr. Laatsch.

Mr. Grizans, I think, is here. Welcome.

MR. GRIZANS: Thank you. I'll try and read through this as fast as I can.

UNIDENTIFIED SPEAKER: Do you have extra copies?

MR. GRIZANS: No, I don't.

UNIDENTIFIED SPEAKER: What's the name?

MADAM ACTING DEPUTY CHAIRMAN: Mr. Grizans. Is that right?

MR. GRIZANS: Yup, Grizans. G-r-i-z-a-n-s.

What I have to say is so simple that many of you will not grasp the implications at first. At the same time, it is so truthful that others will find the message unbelievable. But man has a right to the truth even if it is as hard as granite, for a human world can only be built, develop, and endure on a foundation of truth.

That truth, my friends, as far as the world today is concerned, is that the entire monetary system must be eliminated. A more tolerable society will never be maintained indefinitely as long as people insist on holding so dear the concepts of power and money, votes and dollars maintained through the monetary system. Certainly the pinnacle of man's existence, desiring neither power nor money, will never be reached by merely construing various means of sharing power and money more equitably. As for the governmental and economic systems through which those concepts are represented, it matters not what ideology is involved because the system is more important than a human being.

However, the absolute reality of this truth involves much more than the citizens of this world not being accorded the highest priority. To put it bluntly, sacrificing our fellow human beings for the sake of dollars and votes is genocide. Effects similar to those of genocide have gone unabated over the decades only because various terms and phrases are used to describe these genocidal deaths in such a way that the perception of governments as the real guardians of human value and worth is protected. This in turn prevents people in general from making the connection between these deaths and the monetary system itself. Such genocide by negligence stands in relation to genocide as defined under the United Nations Universal Declaration of Human Rights *sensu proprio* as manslaughter does to murder. In other words, the monetary system should be

viewed as a form of second-degree genocide because of its causing massive, incidental deaths.

Now, it would not come as a surprise if those concerned were having difficulty coming to terms with the notion of genocide being committed through the monetary system. Genocide in this instance is the death, or more appropriately the sacrifice, of any human being because of a question or matter of dollars and/or votes. This situation can be better illustrated through examples such as the following: the suicide protests in Lithuania at the time of the Soviet Union's economic blockade. A suicide note left by one victim indicated "he could not live any longer under the Soviet Union's economic blockade and military occupation." That was from a *Globe and Mail* article on April 28, 1990. From the *Calgary Herald*, June 14, 1990: Deaths from self-induced abortions as a result of abortion legislation, in particular the past-rejected Bill C-43. From the *Herald*, December 19, 1990: "People are being killed for their mink coats, sheepskins and embossed leather jackets." The Dressed to Die killings, as they were termed, are just part of the crime scene.

As mentioned previously, terms such as suicide, crime, et cetera, are all used to describe these genocidal deaths, which prevents them, almost conspiratorially, from being connected to the monetary system itself. But I am not alone in making this connection. It is becoming a more common occurrence for individuals and groups to describe certain situations as practised through economic and governmental systems as genocide, as indicated by the following from the *Globe and Mail*, September 22, 1990:

In the opinion of one South American author, [Eduardo Galeano], capitalism and Christianity have systematically wiped out these people who live collectively and dare to dream.

By the genocide that he says has been practised against his indigenous people, from Tierra del Fuego to the Arctic, he is referring to the normal capitalistic practice of turning the Indians of the Americas off their lands and handing it over to various companies to exploit for the oil and minerals.

From the *Herald*, October 30, 1990. His Royal Highness the Prince of Wales termed the assault by international timber companies and the Malaysian government a dreadful pattern of collective genocide. He was referring to the rainforests of Sarawak, the Malaysian province located on the southeast Asian island of Borneo and home to the Punan, a nomadic people.

From the *Herald*, January 30, 1991. Members of Act Up claim the B.C. government isn't doing enough to help AIDS sufferers: we charge you with genocide. This protest was directed at Premier Bill Vander Zalm when he arrived at a TV station for his speech.

While a lot has been said and written about money and the problems society faces as a result of it, and nothing can be graver than the genocidal aspect, Martin Amis, a British writer, sums it up rather well: The money age we're living through now is a short-term, futureless kind of prosperity that will last as long as there are public institutions to sell off and as long as North Sea oil lasts. But it's really a live now, pay later thing. Money is a more democratic medium than blood, but money is a cultural banner. You can feel the whole of society deteriorating around you because of that. Civility, civilization is falling apart. End of quote. Martin was talking about former British Prime Minister Margaret Thatcher's economic policies in that country.

Now, to correct this situation, society must first lose its illusions about the alleged ability of governments to put an end to this injustice without itself, government, disappearing. We must change our conditions of existence which allow our fellow human beings to be sacrificed for nothing, and we can only do

that by overthrowing the established order. John F. Kennedy, in a famous phrase, said, "Those who make peaceful revolution impossible will make violent revolution inevitable."

Well, the apperant has already been upset. In other words, the violence, bombings, and killings that are now an everyday occurrence in some parts of the world are threatening to become a worldwide phenomenon. The only reason the current violence, et cetera, is so sporadic and concentrated is because an actual revolution has not yet materialized, but once more and more people start to realize that the collapse of the entire monetary system is inevitable, that so-called revolution is going to become unstoppable. However, there is no reason the dismantling of the monetary system cannot be the result of a relatively peaceful transition instead of a dreadful revolution. Generally speaking, people are wonderful, and most still have some compassion. I mean, a lot of people, deep down, know that our economies and governments are unjust, but they think there's nothing they can do about it. They're too busy trying to fend for themselves. At the same time, it seems to me that concepts such as individualism, self-determination, equality, and justice have been twisted around so much because of our economic and governmental policies that the notion of humanity itself isn't recognizable anymore.

Thus all I'm trying to do is get people to re-examine the ways we think about dollars and votes by bringing their attention to a unique way of symbolizing the immorality of the monetary system itself, as in my image portraying the genocidal deaths. By trying to relate ideas to people that they wouldn't normally think of, hopefully they will wise up and start thinking about the monetary system from a different perspective, in relation to mankind's existence. That is necessary if we are to avert what will amount to a worldwide massacre.

It is also my contention that the major obstacle to resolving our economic and governmental problems is certain people not being able to comprehend a world without such problems. In other words, such a world would simply be much too boring for their liking. Boring in this sense is people fearing not being able to exert power over anyone but themselves through the control and privileges that monetary policies impose. The desire for power and money, and through those the desire to be eminent, to be admired, only brings out the basest side of human beings, and those in authority, economically and governmentally speaking, have always been, are now, and always will be the most despicable of human beings. So I certainly wouldn't miss any of those types of people if they care not to be around to experience life when the human being is finally accorded the highest priority in the entire world.

4:20

Let me be perfectly clear on one thing. I am in no way advocating an armed revolution. Justice, my friends, will be served in this instance when the elitists of this world are reduced to common folk status. In other words, no one person will be able to tell others what their lives will entail just because that one person received the votes which makes him/her Prime Minister or whatever. There's only one thing you have to do with human life that will reduce the elitist status, and that's respect it. Respect for our fellow human beings presupposes the abolition of not only social classes and capitalism but of the monetary system itself. I absolutely believe in the naked operation of human passion, so my message about eliminating the monetary system and thereby our economies and governments will no doubt be associated by the naive as advocating anarchy, but if those same people could be bothered to take off

their blinders, they would soon discover that we are already living it.

People everywhere are in reality doing as they damn well please. So how much longer are you all willing to tolerate a minority of the world's citizens, the elitists, being able to really live while the majority of us merely survive? You may wonder how decisions will be made if our parliaments, national assemblies, et cetera, and along with them our politicians are rendered meaningless. Well, it is not hard to fathom once you accept the reality that governments do not exist for our well-being. This stems from the fact that almost all of the world's so-called major issues can be directly attributed to dollars and cents. In other words, there is really nothing to consider or debate once the bottom line is removed.

MADAM ACTING DEPUTY CHAIRMAN: Mr. Grizans, I'm going to ask you to come quickly to a close. There are a lot of other people . . .

MR. GRIZANS: Okay. I'm just winding it down here.

MADAM ACTING DEPUTY CHAIRMAN: Thank you.

MR. GRIZANS: Thank you for your patience.

As far as the notion of anarchy is concerned, or expanding on that, it would appear that the process of change already taking place throughout the world has gathered a momentum of its own. For years it has had less to do with the initiative of governments than with the choices made by ordinary people. Eastern Europe and the Soviet Union in particular, along with South Africa, are proof of this. Change will continue to take place because people will continue making changes that don't depend on governments. One by one, people will continue to ignore, defy, and overwhelm the laws that were intended to confine them, and then they will become free.

This fact is also pointed out by the Saskatchewan division of the Canadian Red Cross in a document entitled, *Can We Still Take Care of Each Other: A Study of Socio Health Needs in Saskatchewan*. It didn't ask people about taxes or Meech Lake or Quebec or free trade. Instead, it asked them how their lives were unfolding. On top of it all was the constantly expressed feeling that there's no daylight at the end of the tunnel, that people don't see evidence of any of these problems – economic insecurity, environment, unemployment, teenage suicide, future care of the elderly, et cetera – getting better, and that governments and politicians are neither helping nor even particularly relevant to the situation.

William Gold's diary, *Calgary Herald*, August 3; I quote. Call it the postparliamentary era; more and more the ordinary people are withdrawing into their own communities and their own lives. There is less and less time and desire to spend in contemplation of national or even provincial affairs. To Canadians considering themselves to be led by the federal Parliament or the provincial Legislature, I don't think so. They regard both places as remote and inconsequential, utterly intangible to the lives of people who go out and make a buck every day.

I do not want to prove myself right by quoting various individuals but to really live. That is why the purpose of my ideal and my action is not to be just another witness whining about the system but, together with all Canadians, to make a world that is more hospitable for us all. The important thing is to overcome everything that oppresses us, to overcome the system that is sacrificing our fellow human beings. Humanity, like everything else that is natural, can find within itself the self-

regulators necessary to its survival and progress without a small group of elitists overseeing all aspects of our lives in order to protect our own selfish interests through the concepts of dollars and votes.

It is a matter of governing ourselves directly without going through the intermediary of a government detached from the conditions of everyday lives. Are we going to resign ourselves in practice all our lives to our miserable existences, sounding off about the evils of the system in our spare time? If we are to free ourselves from the slavery in which we are trapped by the monetary system, we must first cease to be slaves to our fears, our cowardices, our hesitations, et cetera. Our liberation is essentially a practical problem, and it is by practice, the action recommended, that it will be resolved. The policy of the elitists is to pretend that capitalist society is in perpetual revolution – i.e. Gorbachev's glasnost and perestroika – and is capable of resolving all the contradictions and problems raised by contemporary scientists and thinkers.

I quote Peter Worthington from the *Calgary Sun*, May 10. Evidence indicates that all governments, no matter the party, want citizens to be subservient and dependent. Politicians fear nothing so much as individuality and a spirit of independence among the people. Governments relish a nation on welfare, like natives, and therefore beholden, obligated, docile.

The action that I'm recommending is just taking the step that various people are now taking throughout this country one step further. I'm talking about things like people in southern Ontario withholding their property taxes, businesses refusing to collect the GST, consumers unwilling to pay the GST, those sorts of things. Taking that one step further, I recommend that all Canadians stop paying for anything and that they do not accept payment for any service provided.

Thank you very much.

MADAM ACTING DEPUTY CHAIRMAN: Thank you, Mr. Grizans.

Mr. Blanchard, would you like to speak? How do you do. Welcome.

MR. BLANCHARD: I saw Jacques Parizeau on TV last night, so I decided perhaps it was time to come.

What I'd like to talk about is the two solitudes. I have a little experience in that. My mother was British and my father was French Canadian. I was raised in Winnipeg, a melting pot, with St. Boniface on one side and an English community on the other side. My mother and my father got into arguments because of my father's friends. He would go to their club; they wouldn't speak English, and she couldn't understand. They finally solved the problem by moving to Alberta, and then they all had to find a new set of friends. So I think I have a feeling for what's going on in the country. I have relatives in Quebec. I talk to them.

I'm politically active, which gives me some sort of an insight. What's happening in this country is not really necessary. The best political advice I've ever heard on the problem, and it was ridiculed at the time, was John Diefenbaker back in the '50s. John Diefenbaker said that if you want this problem to go away, let's not talk about it. I think we're talking ourselves out of a country right now.

I remember coming home one day from French school; I was bilingual. There was a competition between my grandparents and my mother as to which language I would speak first, French or English. I became bilingual. I learned both languages simultaneously because of it. I was getting pretty nervous, and

the doctor said, "Quit making the kid translate." This is a problem right now.

Many people have tried to gain political influence by backing a cause or by infuriating people. I really believe we're in a good country. I believe we've had a big shopping list here today. Perhaps we should have accepted Meech Lake. Meech Lake would have simplified things an awful lot, but it seems right now that we're into full-blown Constitution revision. I believe that perhaps that's not the right way to go. Perhaps we should have a shorter shopping list. I think if we could solve this problem . . . It's my country, and I would dearly like to keep it together.

As children being raised in a family like that, the kids really wanted to keep that family together too, and in order to keep that family together, we never brought up a racial question. I came home one day from school. I'd learned about Evangeline; I'd learned about the dispossession of the Acadians. I told my mother that. Of course, she burst into tears and said, "Jesus, how am I going to live in a French home?" That was the last time we brought that one up. Later my father told me that I was of Acadian stock, that our family was dispossessed to the United States and that we worked our way back to the Quebec area.

4:30

I think that we have to as politicians . . . What I'm exhorting you to do, Bob – I know you, and I know you, Nancy – I would like to see Alberta go united, all political parties. I would like to see if in Alberta we could work out an accommodation, have less trouble, go with a united front, because I think Alberta has the opportunity of becoming one of the provinces or the province that can lead in this thing. From my experience as we moved from Winnipeg, the further we went away from the problem, perhaps the better chance we had of resolving the problem. When the problem is close, there's less chance of resolving it, and I think Alberta's probably positioned in a good place. In Manitoba a lot of the problems between the races went around the separate school system. In Manitoba the French kids had to pay their own school tuition. When we came to Alberta, we thought it was wonderful; there was a separate school system here. We thought Alberta was a land of – how would you put it? – compassion. I think the province of Alberta can be seen as a compassionate province, and if we can cut out the political bickering between the parties, I think we have a real chance of showing leadership.

MADAM ACTING DEPUTY CHAIRMAN: Thank you, sir.

We now have any other presenters from the floor who might wish to speak. Could I have a show of hands of people who wish to, please?

One, two, three, four, five, six, seven, and we have 30 minutes. Is it fair to the committee if we limit to five? Is that fair?

Let's go.

Yes, sir.

MR. THOMPSON: I'd just like to compliment the government and its task force for holding these hearings to give people a chance to voice their frustrations. I compliment you all on giving people a chance to voice their frustrations and to voice their opinions. The task force itself is to be complimented on its, to me, seeming impartiality, which I think is terribly important.

Just two quick points. Please save our medicare system. There are few in the world that are better. I am in my 43rd year

as a type 1 diabetic. I still pay well over a thousand dollars a year out of my own pocket in medical expenses, but if it weren't for what medicare helped me out with, I would be in a sad way. So that is very important to thousands of our people. Please keep it.

Please be fair with the aboriginal people. They haven't had a good deal.

Go easy on the Quebec situation. The people of Quebec are probably just about as fine neighbours as we or any other people could hope to have.

MADAM ACTING DEPUTY CHAIRMAN: Yes, at the back.

MR. MEYER: Yes. I'd just like to say a few words. I didn't prepare a speech, because I know everyone has speeches, and I think sometimes you get used to speeches.

Like the other gentleman, save medicare: not that the government is killing it, but it is ruining it by reducing the benefits to the seniors and others. I think we can add to medicare without raising the cost, because there's hidden costs there that shouldn't be paid that the government could do better, more efficiently, and more effectively if it didn't have all the paperwork.

Save our educational system. We don't need university students parked outside the universities at 3 in the morning to get a seat. I think there is place in the university to do things they have to do. They don't have to be outside. I don't know if giving them a number a week ahead . . . Whatever. But I don't like the idea of having students wait outside. Even our nurseries, our regular elementary kids are outside because they want to go to their neighbourhood school. They don't want to be bused halfway across the city to go to school.

Our transportation system is falling apart. Our roads are falling apart. The reasons are, they say, that they have no money to fix the roads. I disagree. I think there is the money, and I don't think the way to get the money is by raising taxes; I think it's by lowering a few things like pay for the MLAs. I know you may disagree. My MLA disagrees strongly; she said she doesn't get enough pay. I think she gets way too much.

I think another way of raising it is reduce what they're doing which shouldn't be done by MLAs. There are some things the federal government could do that you are doing, some things the federal people are doing that you should be doing, and some things the municipalities are doing that the provinces should be doing. This power sharing agreement is not working. I think the way to set that is to do it by a constituent assembly elected by the people. I don't mean just elect an MLA, elect a federal minister, elect a city mayor: elect the people to represent us. The natives, women, minorities: they should have a say in this. They shouldn't have to sit out at the door and wait for their time to be called. They should be in on this from day one. I don't like the idea of you guys, all of everyone, going to Ottawa handling it. We're out here in the boonies, as you say. We find out from TV. We are not involved. If we were more involved, I think people would care more.

The way to save Canada is not to tell Quebec, "Do it my way or you're out." If Quebec goes, I don't believe we should just say, "Okay, go." They have expenses to pay up, and I think if they do go, they should go as they came in: stark naked. James Bay is not theirs; it is ours. We pay it out of our costs. The seaway is ours, not theirs. It came out of federal taxpayers' money. The roads came out of us, the taxpayer, because we paid for them through provincial and federal tax sharing agreements. I don't know; all I know is we cannot afford any

more to say to Quebec, "Go," because if they go, they're taking the best part of the country away.

That's it.

MADAM ACTING DEPUTY CHAIRMAN: Thank you sir. I should have asked for your name; excuse me.

MR. MEYER: Okay. Jack Meyer.

MADAM ACTING DEPUTY CHAIRMAN: Jack Meyer? Thank you.

MR. MEYER: You're welcome.

MADAM ACTING DEPUTY CHAIRMAN: Mr. Hanisch, I'm going to not recognize you until the others have spoken, because you did have a chance to present your brief.

Yes, sir.

MR. HASTON: My name is Jack Haston. I worked in the engineering industry in Alberta for 30 years, I guess. I did have a brief which I sent in, and I'll very briefly summarize it.

My main point is that to re-establish a Canadian sense of country and mission, I think the rest of Canada has to determine how it would operate fairly and effectively without Quebec. Now, if this cannot be done, then I think Quebec will only be the first one to go. If it can be done, then I suspect there's good prospects for progress, including even a reasonable agreement for keeping Quebec in Confederation.

Now, short of revolution, I think this new Anglo-Canadian accommodation will have to be accomplished within our present political structures, and this unfortunate condition is what apparently troubles Canadians most. Meaningful constitutional reform must put checks on unbridled power, be it demographics, the provincial fiefdoms already referred to, centralist empires, or dictatorial party discipline. This could require considerable statesmanship on the part of politicians who are largely noted for guarding their own perks.

As I have lived in various parts of this magnificent but overgoverned country for a little over 60 years now, I did have some comments on constitutional reform. Firstly, a couple of background considerations. I think Canada has lavishly spent its physical and its psychic resources trying to accommodate Quebec for at least the last 30 years. Now, this has led to little except increasing provincial power and continued blackmail of Ottawa. It seems apparent that there will never be enough to satisfy the power aspirations of the Quebec elite. I will specifically say the elite and not necessarily the people. Now, some other provinces, and I think Alberta is maybe notably one, are similarly power hungry and divisive. We hear of "maîtres chez nous" in Quebec, and there's no difference between that and "keep them off our porch" in Alberta; they're the same sorry tune. I think rampant decentralization just weakens the country and can lead to an excessive duplication of government.

One thing I would not like to see is a Quebec/Alberta axis as some sort of way of countervailing the demographics of Ontario. I think that's scary. We do have problems of power distribution with or without Quebec. I think the separatists really have asked the right question, and that is, "What are English Canada's constitutional aspirations?" I think if this could be answered, it could largely set the basis for Canada with or without Quebec. At the moment I think Quebec has clearly opted out of the discussion, and I think that anyone who insists that Quebec's prior agreement must be part of this answer has also opted out.

I think the rest of Canada should get to an acceptable pro forma Constitution without Quebec before dealing any more with Quebec; that is, answer the question: what does the rest of the country want? If Quebec secedes in the meantime, which I suspect is unlikely, then maybe it would have to be "so be it" for at least some interim period, because they're not pertinent to the question at this time. They've opted out.

I think the English accommodation – with the quotes on "English" – does have to provide for regional representation without extreme decentralization. I think a country without a strong centre is a nonstarter in any sense of national commitment. I specifically do not want any provincial government trying to represent me federally. It's bad enough here in Alberta. Just think how a lot of Quebecois must feel having Bourassa and Parizeau as their federal reps.

4:40

On the other hand, I don't think a triple E Senate is the whole answer. One way or another I think you do have to break some of the party tyranny. I think Mulroney has been proof enough of the potential abuse of unprincipled party dictatorship. Now, it maybe goes against the grain to think that the U.S. model of the separate executive with the legislative checks and balances might be the answer, but one way or another I think we do have to get somewhere beyond this irresponsible, supposedly responsible, government that we now have. If we can get to such a thing, then I think it might even allow for a deal with the people of Quebec. It might give them the opportunity to get out from under the thumb of their elite. If not, maybe we can do without them as long as we have a government that does have a vision for the rest of the country.

I think the reforms will have to come from our present federal and provincial institutions. I don't think we're a revolutionary type of people. I do believe that most federal politicians and especially Mulroney have essentially no useful role to play since they are beholden to Quebec. This exercise, I think, must first of all in effect ignore Quebec. At best we might hope from the federals for some enlightened response to national referenda and maybe even some continued back-bench revolt against party discipline. I think the provincial governments can do a great service if they try to work themselves out of business; that is, try and actively pursue some constitutional reform aimed at strong federal government with effective, direct regional representation and reduce some of the provincial empires.

Now, to get us something like this, which is likely pretty airy-fairy, Ontario is the one key that will have to show some great leadership because they do have the greatest power accommodations to make. If this particular kingpin can't find some way to deal with the rest of the country, then I suspect the country eventually is in dire straits. I do think that Alberta can be a key player if it's prepared to deal with Ontario for the benefit of the whole country. I think this will be difficult for a province that's been raised on Bay Street's indifference. Practically the first phrase I ever heard when I came out here was, "Goddamn the CPR." But it will be the measure of whether the Alberta politicians are big enough to think of the country first. I don't think Quebec is any source of comfort. If Alberta can't reach an agreement with the great Satan Ontario in order to help establish a new basis for Canada, then I don't see much effective happening.

My only suggestion is that Premiers Getty and Rae begin an exercise of determining if they have enough common altruism and concern for the country to pull their clout in an initiative establishing a nine- province negotiation on the "English"

Canadian Constitution. As I say, I think it has to be done within present political systems. I think it would have to be initiated by Alberta and Ontario, and I think the obvious chairman of such an activity would be Clyde Wells. He's the only Premier with demonstrated national integrity.

Thank you.

MADAM ACTING DEPUTY CHAIRMAN: Thank you, Mr. Haston. Do you have your brief? You said you'd presented it to the committee. We haven't seen it.

MR. HASTON: I sent one in.

MADAM ACTING DEPUTY CHAIRMAN: Oh, did you? Okay. Well, we'll check it. I haven't seen it. I don't know about the other members of the committee.

MRS. FITCH: I want Canada to survive as one country, but I'm somewhat depressed, because I have two sons who have lived and studied in Quebec for several years, and they're very pessimistic. One son got so frustrated that he described Canadians as being a series of groups all living in little caves and huddling together in their caves and reassuring each other about all their prejudices and occasionally peering out and seeing a very narrow spectrum of Canadian society. When he's in Quebec, he finds a people who know very little about the rest of Canada and aren't very interested, and when he comes here he finds a lot of people who know very little about Quebec and say, "Our way or the highway," a lot of which I've been hearing this afternoon I think.

I would like to make a couple of suggestions, providing the committee would like to try and keep Canada together, as I hope they will.

MADAM ACTING DEPUTY CHAIRMAN: Could I just ask for your name?

MRS. FITCH: Margaret Fitch. I have put in a brief, but this is just a smidgen of it.

MADAM ACTING DEPUTY CHAIRMAN: Okay. Thank you.

MRS. FITCH: The first thing I wish we could do is challenge the idea that equal treatment means identical treatment, that everyone must be treated exactly the same within the Constitution. Now, you'll forgive me for a motherly analogy here. Compare Canada to a family. Do we insist that everyone in the family must do exactly the same things? If one child is talented in music, must all the children have advanced music lessons? If another child is talented in mathematics, must everyone attend university and major in math? Would that be the only way to give our children equal treatment? Surely not. Surely equal treatment means helping each child to do what they want most and can do best, and surely this will be the best way to achieve a happy, contented, and successful family. If this is true for one family, why not for a country as large and diverse as Canada?

Why can't we create a Constitution that guarantees basic rights to all but allows flexibility for different groups and regions to maximize its strengths? Their individual success will contribute to the success and the contentment of Canada as a whole. At least that's what I would hope. I would hope that within that Quebec and the Indian nations and Alberta and the west, other parts of Canada could have some flexibility to do

things that they particularly can do well and not insist that we all have all of the same things, because as everyone knows, in the family we can't usually afford to give everyone the same things nor would they be grateful to have them forced down their throats, as people are so fond of saying.

My second point is just some statistics that came to my attention that changed my whole perspective on Quebec's demands. If I had heard those during the Meech Lake debate, I would have felt a lot differently. Now, either these are wrong statistics or a terrible mistake has been made in not publicizing them. At least that's my point of view. These statistics were that in 1939 the federal government's share of tax revenues was 38 percent, whereas today it is 71 percent. That means, of course, that the provincial share has fallen from 62 percent to 29 percent. Even though much of the federal share goes back to the provinces via grants and equalization payments, the control over the money has shifted and the power with it. Seen in this light, much of what Quebec wants is merely a return to pre-1939 tradition. The rest of us might not want to return, but we can't claim that it would destroy Canada even if we did go back to 1939. If the rest of us prefer the new tradition, why can't we have a Constitution that allows Quebec to opt out for the time being at least? Instead of rigid sameness, creative diversity.

MADAM ACTING DEPUTY CHAIRMAN: Thank you very much.

Is there anyone else?

Yes, Ma'am. Your name first, please?

MRS. SAWYER: Suzanne Sawyer. I've not prepared at all. I found out about this at the last minute and couldn't believe that you're here. I didn't know. I've been out of town, but here I am. I will submit something in writing later. I just threw together a bunch of notes here. I will leave you my card.

4:50

As I believe you know, Nancy, I represent the Francophone community at large here in Calgary. I'm here, actually, on behalf of the silent majority that is not represented. The regional Francophone association has a total of approximately a thousand members here in town, but there are a further 12,000 Francophones here in town and another 43,000 bilingual people who are very well hidden. They don't seem to come out and speak. If you start talking to people, actually, I find them very friendly. They're thrilled to meet someone who speaks French and who can tell them, "Sure you can go to La Ruelle." There's a French book store. There are French associations. There's French theatre. There are all sorts of things going on. There's a total of 28 associations, vibrant and active, and a lot of things going on and growing, very positive things, and people are very receptive. I, of course, shrink when I hear negative comments. I hate the thought of being thrown into the barrel with the anti-Quebec and anti-Meech Lake reactions. It saddens me, obviously, to hear negative comments.

I recently saw a documentary on TV about the peregrine falcon becoming extinct. The last statement was: if our environment is killing these birds, think of what it must be doing to us. I suddenly pictured - now, some of you may love this - in a wax museum somewhere a tape in French saying: this is a French family; these are extinct now. Not distinct but extinct if bilingualism goes down and there's no further funding and the Francophones are just simply ignored, as some people wish would happen. Canada is known, is respected, is admired for its bilingual component, its multicultural aspect, and I think that if

all these things died, then a great and wonderful portion of Canada would die with it, and we would no longer be the same country.

I lived in South Africa. I was in Johannesburg when the first bombings in Soweto occurred. I was in Dublin when the first bombings in Belfast occurred. I lived in the United States and Europe. I've lived in a number of places where there was violence and where there were terrible things and oppression. I kept thinking, "Aren't we lucky to be Canadians, to have our country?" and to have the special aspects of our country which I've just mentioned. My heart tears at thinking that these things will not continue.

I assure people as I talk to them that our government leaders in their strength and their wisdom and their fairness will of course protect and promote the Francophone and bilingual education system. My main concern is education. I don't know about James Bay, and I don't know about economics. Of course I should, and some day, hopefully, I will. But the first base is education, and really everything starts with education, I think. I ask today for your assurance of financial and moral support. I can't believe that after 22 years of official bilingualism in this country, the billions of volunteer hours donated by concerned parents such as CPF, Canadian Parents for French, PTAs, all the parents who have wanted their children to learn French, I can't believe that it will just all disappear because of a changing time. When I hear comments such as "things that are shoved down our throats" I shrink. Wouldn't it be nicer to think, "Aren't we lucky that we have these things available, that we have such a system"? Please don't let it die.

Gee, I'm down to the last page. Basically just that: education. I say firmly that I'm sure our government will protect us. Some people laugh at me and tell me I'm crazy, I'm dreaming, looking through rose-coloured glasses. I hope I'm not.

Thank you.

MADAM ACTING DEPUTY CHAIRMAN: Thank you very much.

MR. BULKOWSKI: Peter Bulkowski. I'll keep it very, very short. I'd like to suggest something that we in the business community call a frame-breaking change. I think most of what we're talking about constitutionally is distribution of power amongst three levels of government. I would suggest that perhaps if we want a motivated, energized population, the transfer of power needs to be to the people, away from the governments. I would suggest that the way to do that is the way we do banking now, called automated tellers. Let's have an automated voting system where we can go to the polls, to the machines in our malls, wherever, every month and vote on the major issues. That empowers the people. That lets us control our lives. Rather than government officials, elected officials, or NGOs speaking for us, let us speak directly to the issues. I think that would be a much more effective way. It's a major change in terms of how we do business. I think it's in agreement with the fact that our traditions have consistently changed towards a more democratic system. I hope that in looking at constitutional issues, we do not simply shift powers from one politician to another.

Thank you.

MADAM ACTING DEPUTY CHAIRMAN: Thank you, sir.

Is there anyone else who would care to make a few closing remarks?

Mr. Hanisch?

MR. HANISCH: Yeah, very, very quickly. I'd just like the MLAs here to take the message back to Edmonton to the Speaker of the House that if that gentleman is unable to deport himself purposefully in addressing members of the opposition, he should resign. I am positively embarrassed to hear him say to opposition MLAs, and I quote: shut up; disappear. I don't think that this is the way to treat democracy.

Thank you.

MADAM ACTING DEPUTY CHAIRMAN: Well, ladies and gentlemen, let us thank you for your very thoughtful and very thought-provoking presentations this afternoon and this morning. The committee, as you may know, has split into two parts. We're committee B. I don't know why. We probably should have been A, but we're B. Committee A will be here in Calgary next Friday evening and all day Saturday, and we go out on the road starting on Monday.

Thank you again for all your thoughtful input. We certainly appreciate your coming out.

[The committee adjourned at 4:58 p.m.]

