

1:02 p.m.

Tuesday, May 28, 1991

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, I'd like to call the panel to order and take a moment or two just to explain what we are doing and how.

First of all, my name is Jim Horsman. I'm the Member of the Legislative Assembly for Medicine Hat, and I'm the chairman of this Select Special Committee on Constitutional Reform established by the Alberta Legislature and composed of all parties in the Legislature. There are actually 16 members of the committee, and we've divided it into two panels. This panel is traveling together. At the same time, another panel is traveling together; they are in Grande Prairie today. Yesterday we were in Lloydminster, and we'll return to Edmonton tomorrow for some extra hearings there so that we can accommodate the number of people who have come forward there to make requests.

Each presenter who has indicated their intention to make a presentation will be entitled to 15 minutes. We have a bell which will ring at the end of 10 minutes. At the end of that 10 minutes when the bell rings, you as a presenter can bring your presentation to a conclusion to permit some questions from the panel and so that we can have some dialogue. We don't stick to it precisely by the moment and don't cut anybody off in mid-sentence, obviously, but it is helpful to try and get the point of view across in that period of time if at all possible.

I'd like now to ask my fellow panelists if they would just introduce themselves so that you know who is who. On my far left . . .

MRS. GAGNON: Thank you. I'm Yolande Gagnon, and I represent Calgary-McKnight.

MR. HAWKESWORTH: Bob Hawkesworth, Calgary-Mountain View.

MR. ADY: Jack Ady, MLA for Cardston.

MR. SEVERTSON: Gary Severtson, MLA for Innisfail.

MS BARRETT: Pam Barrett, Edmonton-Highlands.

MR. ROSTAD: Ken Rostad, Camrose. I'd welcome everybody from outside Camrose to Camrose, and hi to those who are from here. Thanks for coming.

MR. CHAIRMAN: Yes. It's always a pleasure for me to return to my birthplace, since I was born here, although I only lived here for a week and was raised in Meeting Creek, which isn't too far down the road. I say I lived here for a week because that's the length of time my mother kept me in the hospital.

In any event, it's good to be here. We have a number of presentations. It looks like a full afternoon, and therefore I'd like to commence by asking Roy Louis to come forward and make his presentation.

MR. LOUIS: Mr. Chairman, I have a prepared statement I'd like to make.

MR. CHAIRMAN: Can everyone hear at the back? No? Okay, we'll have to get you to speak right into the microphone and tilt it up a bit, Roy. It would probably help.

MR. LOUIS: Testing, one, two. Is that better?

MR. CHAIRMAN: Good.

MR. LOUIS: Mr. Chairman, members of the panel, ladies and gentlemen, tansi. Good afternoon. My Cree name is Musqua, which means "bear." I'm a member of the Samson Cree Nation in Hobbema. I consider myself to be a strong treaty Indian, a strong Albertan, and a strong Canadian, and I want to be part of Alberta's commitment to our country's unity. This presentation will be brief, as I understand Mr. Bear Robe of the Blackfoot Nation gave his historical presentation from the Royal Proclamation to the Canada Act in a previous round table discussion.

I have made a deliberate attempt to appear before you today as an individual, not as a representative of any nation, organization, or political party. I do this to support your research for a grass-roots response to this crucial issue. I have some thoughts and recommendations for you to consider. A cynical person might say this would be free advice.

To start with, I would like to give some serious credit to the leaders in this province. Sometimes Albertans need to be reminded that this province does care for its people. Speaking as a native person, I will say anytime that Premier Getty has been a tremendous ally of our people in leading other governments in relevant, productive initiatives for native people. Thank you to Mr. Horsman and his cabinet colleagues for their support. It has been tough. Native people and issues have only become trendy this past year, thanks to people like Kevin Costner. Seriously, I thank you for making some possibilities happen to grass-root Albertans like myself.

This province has had some political firsts for aboriginal people. The first treaty Indian Senator appointed in Canada was James Gladstone, from the Blood reserve in Cardston. The first treaty Lieutenant Governor was a Cree leader from Saddle Lake, the late Ralph Steinhauer. The first treaty Member of Parliament is Willie Littlechild, from the Ermineskin reserve, one of the four reserves in Hobbema.

In economic development the Samson Nation's Peace Hills Trust, which I helped found, is Canada's first and North America's largest Indian-owned financial institution. Alberta's entrepreneurial spirit has also encouraged the development of an Indian-owned insurance company, hotel chain, logging companies, shopping malls, and land in many parts of this great province held by native people. Alberta's treaty Indians who are members are exceptional and have also been exceptional in education, sports, the professions, and the arts.

As past president for the Indian Association of Alberta, the organization which represents this province's treaty people, I am frustrated that I must constantly explain what a treaty Indian is and what we represent geographically and culturally. Our province has three treaties. Treaty 6 was signed in 1876 and covers the central Alberta and central Saskatchewan area. Treaty 7 was signed in 1877 and covers the area in the south of the province of Alberta. Treaty 8 was signed in 1899 and covers all of northern Alberta, the northeast corner of British Columbia, the southern tip of the Northwest Territories, and the northern part of Saskatchewan. Within these three treaty areas we have eight different linguistic groups. The Cree are the dominant treaty people in Alberta and in Canada. Other groups in Alberta are the Blackfoot, the Stoney, the Dene, the Chipewyan, the Sarcee, the Salteaux, and the Beaver. Alberta has two of the largest reservations in Canada and the smallest. We have the wealthiest and, sadly, the poorest. Our treaty

payment, prescribed by the treaties our forefathers signed, is \$5 a year, and I'm going to assure the panel that this is without interest since Confederation.

We are also not that far removed from the Indian agent days, when our people had to ask permission to travel from the reservation to go to the doctor, to have an operation, to get a permit to sell their cow or horse, relinquish their treaty rights to go to college, or even defend our country during the world wars. We still have to ask permission of the federal government, the department of Indian affairs, to spend our resources provided to us, to develop our economic development opportunities, and to educate our children.

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Canada's indigenous people are comprised of 54 different tribes plus the Inuit and the Metis. Our people were never conquered. We have our heroes too, like Poundmaker, Big Bear, Pakan, Almighty Voice, Bobtail, and many others who protected their people from marauding tribes, outlaws, and invading governments. What identifies us as a group and in nonnative eyes makes us the Indian problem is the outdated and decrepit and discriminatory Indian Act.

Speaking as a Cree Albertan, I feel true unity for our country cannot be accomplished and provide the security we all want until there is a real, tangible equality and respect for native Canadians. This must start with the recognition of our treaty rights and an opportunity to make the Indian Act more relevant. The whole spirit of the Indian Act is paternalistic. The perception it gives is negative. It defines the individuals as incompetent, unable to conduct the most basic of personal business and local government. The Indian Act has had one major revision, in 1951, and at that time they provided for the inclusion of section 88. In 1969 Minister Jean Chretien believed the department of Indian affairs could be phased out within five years. In 1984 David Crombie proclaimed he would be the last minister of Indian affairs.

Today Indian people are still angry. They're frustrated and growing very impatient. We have only to reflect on last year's traumatic events across Canada; it was a very hot Indian summer. Now the constitutional dilemma continues to simmer and threaten Canadian harmony. For many this is bad. For my people we view the opportunity to question, to discuss, and to come to a consensus as very positive.

Under section 35 of the Canadian Constitution existing treaty and aboriginal rights are recognized and affirmed; treaty rights will be protected. However, our rights continue to be in conflict between governments. At the First Ministers' Conference in 1983 the first priority of the federal government was to get an equality amendment entrenched. Getting Indians and Inuit to conform to the equality provision was a very high priority. Entrenching Indian self-government based on Indian aspirations was not. In this wonderful, democratic country, in this beautiful, exciting province why do native people still have to explain the basic concepts of self-determination and self-sufficiency? Why are these rights available for every other Canadian who was born here and presented to naturalized Canadians? Why must we still ask permission to be players in our own country? Why in this country, where owning your own farm or home is standard, a basic part of life, are land claims so threatening and so hard to understand?

In relation to the treaty Indians in Alberta, the Indian Act has historically been a double-edged sword. On one hand, the Act has ensured that the unique status of the people would be preserved and protected, albeit in terminology and provisions

that were suited only to the officials of the federal department of Indian affairs. On the other hand, the Act has inhibited autonomous actions by the chiefs and councils in ways which have damaged the political, social, and economic development of reservations and human resources. I don't think anyone wants to maintain the oppressive status quo of the Indian Act. Constructive protection has been desired by our people, with a proactive opportunity to pursue self-determination that would develop into self-sufficiency.

Mr. Chairman, here are my suggestions for your task force to consider. One, the government of Alberta together with the government of Canada should commit to pursuing with aboriginal Albertans an amendment to entrench the right to self-government. Number two, section 91(24) of the Canada Constitution must be preserved to safeguard our treaty Indians' political, social, and economic interests; number three, that the government of Alberta help secure a bilateral process on the definition of the treaties; four, that the Indian First Nations be encouraged to draft a model constitutional amendment that will protect and strengthen the treaty rights in the Canada Act; and finally, number five, that the aboriginal people be invited to participate in any future first ministers' conferences where issues being discussed have direct impact on the First Nations of Canada.

Mr. Chairman and panelists, treaty Indians are Canadians, and we have no place to go back to. This is our homeland. We should never again be excluded from constitutional talks. We want to help identify Canadian issues. We want to help solve the problems. Happy or troubled, we want to be part of it all as full, respected Canadians.

Thank you.

MR. CHAIRMAN: Thank you very much, Roy. Questions or comments?

Yes, Ken Rostad.

MR. ROSTAD: Thank you, Mr. Chairman. Roy, last night in Lloydminster we had a chap who said that we should get on with our land claims, settle them, but that the land should not be given to the bands, to the council, but should be given to the individuals. Do you have a position on this? The chap was not aboriginal, incidentally.

MR. LOUIS: Well, I think you will find that certainly we do have those collective rights under the Act presently, and I think those are things that need to be addressed by the communities themselves, if that's the wish of their people or their tribal members. But I don't think that would take place, because there are a number of areas across Canada where land claims have not been resolved in total. However, I want to thank this province for taking the initiative to settle land claims. Without naming the places, I think it's great because you must get the province on side when we talk about land claim issues.

MR. ROSTAD: A supplementary. Do you have a definition of what self-government or self-determination is? I know you started out saying that we often get hung up on a definition. Are you getting at that an Indian nation should be a sovereign nation within Canada or just have the ability to determine some of your own destiny within the laws and Constitution of Canada?

MR. LOUIS: The future destiny of our tribes, whether they be in Alberta or any other part of Canada, has to come from the wishes of the people. In that regard there are certainly issues

that need to be addressed. In my own interpretation of self-government there's two that have happened in Canada. One is the Cree-Naskapi (of Quebec) Act and the other is the special Sechelt legislation that occurred in 1987 with the band in B.C. If we are going to do something constructive, the bands, or the First Nations as they call themselves now, have to be given more legislative authority from governments to take over their basic rights as human beings. I don't think they should go ask the minister of Indian affairs whether it's a good idea to buy land off the reserve or go into economic development ventures with his approval. Those initiatives have to be given to the bands. Unless we have something like that in place, I think it's going to be very difficult to try and say that this is a blanket problem or an issue that's good for the Montagnais in Quebec or the Haida in B.C.

MRS. GAGNON: You said that the Indian Act has to change, and I think you spelled out a few ways in which it should, but what about the department of Indian affairs? Would you like to see it phased out, or must it remain in order to administer the Act and so on? What are the dangers of phasing it out totally?

MR. LOUIS: Indian affairs, since Confederation, is one of the oldest departments in Canada, as you are aware. I don't think it's a question where you want to phase out the department of Indian affairs completely until our rights and our entrenchment of self-government are identified in the Canada Constitution. Until that is done, Indian affairs will continue to exist for as long as there are people that want those particular things to happen within their tribes. I think it's important to say that if the native people are ready to progress into their own affairs, it should be at their own timetable, not at any government's whim saying, "There it is, fellas; take over."

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MRS. GAGNON: And the timetable might be different for different nations as well, right?

MR. LOUIS: I think that's the problem that's facing Canada, why people say it's so confusing many times when we talk about self-government for native people. Like I say, what is good for the Innu in Labrador is not good for the Cree in northern Alberta. There has to be some consensus, and I think in Canada right now there's certainly consensus to have a form of self-government. There are certainly issues that we'd need to resolve, like land claims, and those are being done.

MRS. GAGNON: Okay, a supplementary. Another issue, I think, is education. About six years ago I was on a committee where we started our section on education for native people by saying that it was deplorable. Would you say that the situation has improved? Secondly, should education become a provincial jurisdiction administered by the band education committee, or should it remain a federal jurisdiction?

MR. LOUIS: My own interpretation of that is that education is a federal responsibility under treaties. I think it's important at this point in time that that's carried through by the federal government. In terms of education, yes, it has been a big problem for native people across Canada, but I think – and I want to give you some background information on that. In 1960, according to the statistics I have seen, there were 60 aboriginal students in postsecondary institutions in Canada. In 1989 and '90, last year, there were 18,500. So there has been a tremen-

dous amount of improvement in terms of education, and that has to continue. We're seeing now that our people are getting into university not only in the arts programs but also in more specialized areas, like social sciences or the science area. So I think that's good. I also want to further point out that a few years ago there were no native lawyers in the country, but last year I think 140 people across Canada were are aboriginal lawyers.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. Mr. Louis, could I just ask you, first, a clarification? Could you repeat your fourth suggestion again? Is there a chance, also, that we could get copies of your submission for everyone?

MR. LOUIS: Yes, Bob. I'll leave a copy with the chairman if that's agreeable.

The fourth recommendation I had was that the Indian First Nations be encouraged to draft a model constitutional amendment that will protect and strengthen treaty rights in the Canada Act.

MR. HAWKESWORTH: Okay. You also mentioned in your point three about the bilateral process something about the definition of treaties and, as well, an entrenchment of the right to self-government. I'm just wondering if I could ask you to sort of explain how you see those three working somewhat on three different parallel tracks but also mutually supportive. Could you just spend a minute or two to talk about that a bit and expand on those three points?

MR. LOUIS: In western Canada, Bob, as you're aware, we consider the treaties that were signed in the prairies as very strong. I think if you talk to a lot of our elderly people, they will tell you frankly that the ink has not dried on the articles of treaties that were signed, whether they were signed in 1876 or 1877 or 1899 or other treaties in western Canada. There is, I think, some question at times by governments as to what the treaties really mean. This is a process that has to be developed between the First Nations in the country and the federal government. They cannot hide behind – whether we want to call it legislative things or political issues – whatever, those are rights that need to be identified and developed by the governments and by the First Nations.

I think with those issues at times it's really difficult for native people to say, "Well, how come the governments do not want to understand or fail to understand what we're after in terms of treaties?" If you go within the different treaty areas, there is a very strong feeling that those treaties have to be identified and they have to be protected. Right now you talk to some of the native people and they'll say, "Well, our rights are there." They're recognized, but they can't seem to identify what those rights are.

MR. HAWKESWORTH: I guess just one last clarification or supplementary. As we've gone across the province, we've heard some people say to us that in the new Constitution they want everyone in Canada to be treated exactly alike: no special status for any special groups or any individuals or groups of Canadians. Can I take from your comments this afternoon that in the case of Indian people there is a difference that stems from treaties

and a recognition that almost from the beginnings of the country there has been a special status for aboriginal people?

MR. LOUIS: Because of the legislative authority under the Indian Act – and it's been there since Confederation – yes, there is definitely an issue that has to be resolved by governments. With what's happening in the country now, I think those have to be properly identified as far as the aboriginal people are concerned. If we don't, I think there's going to be some problems, some issues that will continue to simmer with the aboriginal people in the country.

MR. CHAIRMAN: Thank you very much, Roy. You've touched on a number of interesting points. I just wanted to briefly comment on one of the points you made. You indicated that things which may be good for the aboriginal people of Labrador are not necessarily appropriate for the Cree of Alberta. There is in fact, although it has tended to be blended into one in the minds of many people, a very vast degree of difference in the relationships between the aboriginal peoples throughout Canada. Is that not correct?

MR. LOUIS: I think that is correct, Mr. Chairman. In our own province there is still at times some tribal animosity with some of the tribes here in this province. I think people should be aware of that, although I guess I wouldn't argue with anybody when they say that the two founding tribes in this province are the Cree and the Blackfoot. Yes, there is animosity with tribes.

MR. CHAIRMAN: I wasn't thinking of that so much as the fact that Alberta and most of Saskatchewan, et cetera, are covered by clear treaties, or at least relatively clear, and British Columbia is not covered by treaties. That makes the situation quite different in terms of the way the government would relate to the Indian nations.

MR. LOUIS: Yes, because it's an issue of aboriginal title in British Columbia. I think that's something that's very contentious, and it's going to be contentious with the people in British Columbia other than the portion I mentioned in the Treaty 8 area, where it covers the northeast portion of the province of B.C.

MR. CHAIRMAN: So there's a great deal of uncertainty in our neighbouring province to the west as opposed to what we have here in this province.

MR. LOUIS: Oh, much. I think if you want to take that further, in tradition the Haida and the Mohawks are matriarchal, so they deal with their clan mothers in their longhouses. The Crees and other tribes in Canada are patriarchal, so we listen very dearly to our elderly scholars.

MR. CHAIRMAN: Well, thank you very much, Roy. You've given us some very useful thoughts, and we shall carry those forward. Thank you very much.

MR. LOUIS: Thank you for allowing me to be here. Thanks.

MR. CHAIRMAN: And we will get copies of your presentation?

MR. LOUIS: Yes.

MR. CHAIRMAN: By the way, I should mention, too, that we have copies of the presentation. If anybody in the audience has some written material they would like to have us all receive copies of, please give a copy to the secretarial staff. They will then photocopy them and make them available to us. It's helpful to us to have the written material, and then we will, of course, circulate copies of any written material to the other panel, as I mentioned earlier, which is now sitting in Grande Prairie.

Cathy Meade, the Alberta Status of Women Action Committee.

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MS MEADE: Well, good afternoon. I come before you today with Moyra Lang, representing the Alberta Status of Women Action Committee. We are the largest feminist organization in the province of Alberta.

From the outset, on behalf of our group and other such groups I wish to express our concern and dismay, really, regarding the time period between being informed of these hearings and the date of their commencement. It just simply was not an adequate period of time to prepare such a thorough presentation as we'd like to present for you. We felt quite pressured, actually, by the paucity of time, and relied heavily on the Alberta Advisory Council on Women's Issues' discussion paper on constitutional reform. So our hopes would be that in the future there'd be more notice to prepare for such issues.

The entire Constitution affects the lives of women in some way. We would like to focus on some of the areas that are of particular concern to Canadian women. These areas are: the Charter of Rights and Freedoms, decentralization, and the representation of women in the process of constitutional reform and in federal institutions.

Certainly women took feelings of hope, pride, and empowerment from their success during the constitutional reform process of 1980 to '82. Women became rights bearers, and we finally had a constitutional identity, a means by which to seek equal status, rights, and benefits within Canadian society. There have been suggestions that certain rights be added to the Charter; for example, property rights, fetal rights, social and economic rights. These are all clearly of interest to women. Property is something that women generally have less of than men. Presumably, therefore, protection of property rights would disproportionately benefit men. An expressed recognition of fetal rights would place significant limitation upon a woman's right to control her body and the process of reproduction.

Perhaps the most interesting of those rights suggested for inclusion in the reform Charter are social and economic rights. Presumably, Canadians would have a constitutional right to those benefits and services which are required for a reasonable standard of living. These might include the right to health care, individual accessibility to education regardless of economic circumstance, housing, and perhaps a guaranteed income. The recognition of such rights would go far to improve the living conditions which characterize the existence of many Canadian women and their children. The feminization of poverty is a major concern to the Alberta Status of Women Action Committee, and we consider poverty to be a disability.

The recognition of such rights would force, probably, a long-overdue rationalization of the plethora of social welfare program initiatives that presently exist at both the federal and provincial levels of government. It might also be that if such rights are included in the Charter, women have less to fear from greater decentralization.

Constitutional discussions thus far suggest that greater decentralization is inevitable. Some powers likely to be relinquished by the federal Parliament will be of particular importance to women; for example, limitations on the federal spending power, and jurisdiction over divorce. Many women have considered their governments as less tolerant and receptive to their demands for equality than the national governments, and this would seem to be the case in Alberta. It's more difficult for intolerant groups to gain sufficient support to influence the creation of policy and programs in the federal government than in provincial Legislatures. Further, on a practical note it might be more efficient for women's groups to direct the bulk of their lobbying efforts to one government as opposed to 10. That way, once the federal government is convinced of the need for a program or initiative, it can ensure its availability on a national basis. For example, although the provinces already have significant jurisdiction in the area of health, it would be difficult to support any attempt to limit the federal spending power under which the federal Parliament is able to set up conditions upon which provinces receive funding to help pay for medicare. These federally imposed conditions prevent provincial governments from, among other things, undermining the principles of universality and accessibility.

Another area in which decentralization would impact women is in relation to the jurisdiction over marriage and divorce. This presently resides with the federal Parliament by virtue of section 91(26) of the Constitution Act, 1867. The main concern for women is that if this jurisdiction were to be granted to the provinces, it's quite likely that different grounds would be available in different provinces, creating inequitable and inefficient provincial variations. Some provincial governments might be antagonistic to a broadly based access to divorce and could take the opportunity to legislatively restrict the grounds on which divorce would be granted. If other provinces had less restrictive grounds, then this would encourage men and women in forum shopping. However, it would be more difficult for women, with their limited mobility, to move to another province to establish residency for the purpose of gaining a divorce. Women's lack of mobility stems from their lack of financial resources and their primary responsibility for child care. Women who find themselves trying to escape violence could find themselves trapped in a province or area because of each province having the right to set its own standards regarding marital failure.

Clearly, then, it is imperative that great caution be exercised in the area of complete decentralization. To date provincial Legislatures have been most circumspect in their use of section 33. A more frequent use of this opt out clause by provinces could lead to a patchwork of rights across the country, with the nature of citizenship varying from province to province. There have been few expressions of willingness to give up this constitutional out; hence, this section is not likely to be repealed, but this opt out clause is of great concern and needs to be addressed further. Many feel that this would erode the rights of all to have access to similar programs on similar terms regardless of where they live in Canada.

Women continue to be significantly underrepresented in the institutions of government. In the House of Commons women represent 13 percent of the total members, in the Senate 12 percent, and in the Alberta Legislature 15 percent. Now, clearly this has increased over the years, and we recognize that change takes time. It's been calculated that at the current rate of increase it will be approximately 839 years before women are elected to the House of Commons in equal numbers to men.

While in the long run it's important to increase the number of women sitting in Parliament and in provincial Legislatures, in the short term women must ensure that they are heard in the ongoing constitutional reform process. History, both recent as in Meech Lake and past, in the 1867 Constitution Act, clearly demonstrates that when women do not have an active role in the process, they're excluded from the finished product. The Supreme Court of Canada has excluded women's experiences in the development and application of legal principles. We need to review. Perhaps the Constitution should entrench a requirement that a minimum number of women serve on the Supreme Court. Recent comments by retired Justice Bertha Wilson and Madam Justice McLachlin would support this. It's important to have women participate in the judicial process so that possible biases can be revealed and understood.

In conclusion, although the gender-exclusive history of Canada's constitutional formation and reformation has rendered women neophytes in this process, women will not be reticent in this round or any subsequent rounds of constitutional talks. Canada is a complex society in which diversity of experiences and perceptions must be recognized and accommodated. Women want their experiences to be considered and reflected in the Constitution, and we will be a part of the process.

Thank you.

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MR. CHAIRMAN: Thank you very much.
Questions? Comments? Jack Ady.

MR. ADY: Thank you, Mr. Chairman. The statistics you gave us for women participating in institutions, particularly the Legislature and the House of Commons, indicated about 15 percent in our present Legislature in Alberta, which is accurate. But you didn't really give us the formula that you have in mind of how that might be changed as opposed to the present system that's there where it's a competitive thing and just whoever wins a nomination and a subsequent election finds a seat in both of those Houses. From your position, what would you suggest how that might be changed?

MS MEADE: Myself, I see two things happening. One, women need to be encouraged to run for such positions. I know in many cases that it's not a matter that people aren't voting; often a lot of women simply aren't running for positions. So there has to be an encouragement for women to run in these positions. Then, secondly, when they do run, I think there also has to be more societal acceptance. As we've seen, there has been increased societal acceptance, but a greater societal acceptance for constituents to be represented by a woman. So, myself, I see those two things.

MS LANG: And education being more accessible to women who are living in poverty: I think that would definitely help support the increased number of women.

MR. ADY: Okay. Yesterday we received a presentation from your organization, and I didn't get a chance to ask the presenter a question that I would like to put to you. In that presentation she indicated that professional women receive some benefits from government that nonprofessional don't get, particularly in the way of financial assistance for them to work outside the home. I gathered that was in the form of day care assistance, in those areas. She seemed to be advocating that some financial assistance be given to those who choose to stay at home and are

homemakers and mothers, on an equal basis. Now, I didn't pick that up in your presentation, but perhaps you'd be prepared to address that: whether you're advocating that those who are presently receiving financial support should receive none or less, or whether you are advocating that those so-called stay-at-home mothers might receive some compensation for that vocation.

MS LANG: Well, I think that in the past feminists haven't really shown support to homemakers. I think that basically our country is really run on a lot of unpaid work of housewives and mothers. I know there's a group of women here in Edmonton who are trying to put together a proposal for a homemakers' pension. We offer support to them, and that is the way in which we would like to see some support. I think it needs to be looked at. Definitely, yes.

MR. CHAIRMAN: Bob Hawkesworth, and Pam Barrett.

MR. HAWKESWORTH: Thank you, Mr. Chairman. I'm just wondering, if I take it correctly from your presentation, whether you're strongly in favour of the current division of powers between the federal government and the provinces, or are you even advocating perhaps stronger powers to the federal government than exist at the present time?

MS MEADE: On the issue of decentralization I personally cannot say outright that there should be no decentralization or say that all powers should be with the federal. My point is that when we're looking at issues of decentralization, to consider how it will impact people across a variety of socioeconomic spheres. In terms of health care, that's a very key thing that affects everyone: men, women, and children. It's just that women - it's quite clear that they tend to be found more in a position of poverty, so we suggested that this will have a great impact on women if there are, say, user fees or that sort of thing associated with health care. In the same way with divorce: the poorer financial base that women are at and that they have will affect them as they deal with a variety of, say, divorce laws or whatever between provinces. Does that answer your question?

MR. HAWKESWORTH: Okay, fair enough. But the Allaire report in Quebec contemplates areas where the Constitution identifies the provinces as having jurisdiction, where the federal government should get out of it totally, that being, for example, health care. Other areas like agriculture that are a shared responsibility: they're also advocating that those become areas of exclusive provincial jurisdiction. Now, in terms of the negotiations that are likely to take place over the next little while in terms of reforming the Canadian Constitution, what is your advice to Alberta as far as that proposal from Quebec? Do you think we should buy into a major shift along the lines that are being proposed by the Quebec government? Can you give us any thoughts on that? I notice today even the Liberal government in Quebec is saying they're now determined that they're going to introduce user fees into our health care system. I think these issues are important ones, and I'm just wondering if you can give us your views on it.

MS MEADE: Speaking for myself, I think universality is very key, particularly in dealing with health care. We've seen an example of that. Unfortunately, I can't think of something less controversial, but we saw an example of that in the B.C. Supreme Court when that particular province didn't want to grant the abortion procedure to be part of their medicare

program. While the Supreme Court made their decision on other things, they did point out the risk that is run when a provincial government steps aside from what has been set federally, and the fact that there are federal dollars coming to that province - that's what helps keep the province in line in terms of universality across the country. So I would say that in terms of health care, for example, that's something I would suggest, that Alberta then also push to let some sort of power rest with the federal government and not take it on completely themselves.

MR. CHAIRMAN: Okay; we're going to have to speed things up a little bit, folks, both in terms of the questions and the responses.

Pam Barrett.

MS BARRETT: Thank you. One question: did you folks talk about the process that you want to see happen after these hearings conclude? If you did, could you indicate what that process would be prior to entrenching new changes to the Constitution? If you didn't discuss it, it's okay.

MS MEADE: My answer is really close, and it's very quick. No, we didn't, did we?

MS LANG: I think we just talked a bit about what our main issues were around our concerns that we wanted to bring up. Again, this entire month there's been the two of us running the whole establishment provincewide, so we felt really pressed. I'd like to thank the Alberta Advisory Council on the Status of Women, because we've relied heavily on all of their documentation and research.

So to answer your question, I think basically our stand is that we would just really like to be present during the process.

MS BARRETT: Whatever process.

MS LANG: Right.

MS BARRETT: Thanks.

1:52

MR. CHAIRMAN: Thank you very much. It's not perfect, but 25 percent of the members of the select committee are women, so there's a little progress made in that direction. We do want to thank you very much.

There's one little point I'd like to make, and that is your concern about limiting of federal spending powers within the Constitution as a future thing. Some of us in provincial governments are concerned about getting the federal government to live up to their commitment for funding for such things as medicare and education and so on.

MS BARRETT: All of us.

MR. CHAIRMAN: All of us are, and that's one of the big concerns we have about making sure that once social programs are in place, the feds draw back and then leave it to the provinces. That becomes a very real concern to us.

MS LANG: Yes, I can understand that.

MR. CHAIRMAN: Thank you very much.

MS LANG: Thank you.

MR. CHAIRMAN: Frank Fitzgerald.

MR. FITZGERALD: Mr. Chairman and members of the committee, first of all, I'd like to say that I'm very grateful for having lived in Canada all my life and being a Canadian citizen. I don't envy a citizen of any other country on the whole planet.

Now to speak about the Constitution. I'm perfectly satisfied with the Constitution the way it is. It's not perfect; there are very few that are, but I would prefer the Constitution as it was interpreted under the BNA Act when Confederation promulgated. That was up until about 1939, when the powers of the provinces and the powers of the central government seemed to diverge someplace along the way. However, it wasn't perfect either. The criticism I had of it was the way they treated native people and different little minor things . . . Well, they weren't minor to the people that they happened to.

Anyway, to get on with the bit about the Constitution that you wish to change. I prefer it the way it is. I prefer no change at all, but again there are minor changes. In the Charter of Rights I would prefer that there was a provision for property rights and also something that would guarantee the native people what they've been seeking for so long.

There's one concern I do have that is paramount, and that is the business of the monarchy. I cannot see how we can go on and on and on staying with the monarchy and having a Queen of England speaking for England or Britain or whoever she chooses to speak for, no matter what country she goes to. It's just becoming ambiguous. Here we had the Queen of England not long ago speaking before both Houses, the Congress, about the glory of the war in the Persian Gulf and how the two peoples came together and the coalition. It certainly wasn't my interpretation of a stupid and obscene war that happened there.

Now, I don't how this would come about. Actually, all the different things that have happened over the past 400 years can't be blamed on the Queen herself or whoever was the monarch at the time, but these are all still there; people all over the world still blame them for this. There were some good things that happened, but these will be forgotten. Sooner or later, when we start teaching the kids in the schools and they grow up here with a monarch that is the Queen of England and is designated as such no matter where she goes, something has to change. I mean, it doesn't have to be today. This business of governments just shoving behind the table and calling the different corporations that they incorporate Crown corporations, and they're a little above the law – well, that's all I have to say about that matter.

If there are going to be any improvements in the Charter, I'd sure like to see the right of property put in on that. I'd like to see more freedom of information incorporated into the Charter if they're going to change the Constitution.

That's about all I really have to say.

MR. CHAIRMAN: Thank you very much.
Questions? Jack Ady, Yolande Gagnon.

MR. ADY: Thank you. Mr. Fitzgerald, you're aware that our Constitution has been repatriated and that we do have a Canadian Constitution now and that since 1982 Quebec has not been a part of that Constitution. As you know, Meech Lake was an effort to bring Quebec into the Constitution, and it failed. Consequently, it's caused Quebec to decide that if they're not a part of Canada, they're going to take a look at not being a part

of Canada. I guess when you say you'd like to see the Constitution stay just as it is, does that mean you're prepared to just let the chips fall where they will as far as Quebec is concerned and that there should not be an effort made to negotiate some agreement between Quebec where they might choose to stay within Canada? I'm not clear on your rationale, leave the Constitution as it is, when we have the Quebec thing to deal with.

MR. FITZGERALD: Well, I'm prepared to do anything to keep Quebec in the Constitution or any other province or Canada as it is, and I think I did say in my preamble that I liked the way Canada was governed under the British North America Act. I liked it because I didn't know that much about it, and I was perfectly happy in Canada. But I think that under the British North America Act there was no way Quebec could get out. I don't think they can get out now, and that is one of the problems. I don't necessarily believe that abolishing the monarchy – I mean, if some people are happy with it, then it's all right. But I think that all the promises to the native people were in the name of the Queen at the time Confederation came about, and I don't know how you would lessen the importance of the monarchy. I really don't know how; I'm just hoping.

MR. CHAIRMAN: Yolande.

MRS. GAGNON: Thank you. Mr. Fitzgerald, in Edmonton, on Friday night I believe, our former Lieutenant Governor Helen Hunley spoke about the monarchy and indicated that since it was for many a symbol of peace and harmony and unity and so on, we should not touch it, at least not in this round of constitutional talks. How would you respond to that?

MR. FITZGERALD: Well, it must be met, and it must be put on the table. That's all there is to it. As far as – well, I'm sure if you were in India or some country like that, I don't think you'd think the monarchy was the symbol of harmony.

The other criticism I have is that people are always saying that the monarchy is apolitical, which it is not. No matter what country they go to or when they speak in Britain, they always toe the political line. They daren't get out of it too far, if it's a political matter. I'm sure that when the Queen was speaking in Washington, she was just toeing the Parliament of England's line. She either has her speech made up for her or she knows exactly what she's supposed to say, one or the other, but I haven't heard her avert very far from the line of whatever political party's in power no matter where she speaks.

MRS. GAGNON: Okay. You brought up something we haven't heard yet – at least this committee hasn't heard; I think the other committee has – and that is freedom of information, that that must be entrenched in the Constitution. Could you expand a little? It would be binding on the provinces?

2:02

MR. FITZGERALD: I would say yes it would, especially in economic matters. If anybody doesn't want their name published when they have an agreement with the government, there must be some reason for it. To lay everybody's minds at rest, information must be free-flowing. Now, in matters of military I suppose it could be a little more closed, but don't forget we're in a very technical age. There are computers all over, hanging right on the wall of the Legislature down here in the parliament buildings. Every transaction that goes could be printed there

every day for every reporter, or anybody that was interested in it could go and see what happened that day.

MRS. GAGNON: Okay. Thank you.

MR. CHAIRMAN: Thank you.
Gary Severtson.

MR. SEVERTSON: I was going to ask another question, but I have to ask you on the freedom of information question. The interest stabilization program for agriculture is a financial deal with the government with a number of farmers throughout the whole province. Now, is that the type of freedom of information, that every neighbour or any reporter could find out what any farmer had for a loan, or if it was behind or ahead or . . .

MR. FITZGERALD: Why certainly.

MR. SEVERTSON: Okay. I was just wondering if you wanted to go that far.

The question I did want to ask, then, on the Charter of Rights. You said you'd like it to be entrenched. What do you feel that you need to be entrenched that you don't have now for property rights?

MR. FITZGERALD: Well, the right to property and also the freedom of information; that's all.

MR. SEVERTSON: Yeah, you have the right to property. If it was entrenched in the Constitution, what more privilege would you have than you don't have right now on property rights?

MR. FITZGERALD: Well, it's just that it's not written in there now, is it?

MR. SEVERTSON: Yeah, but what right don't you have for property right now? That's what I'm asking.

MR. FITZGERALD: Well, just the fact that it isn't written in there in plain English or French. I know what you're getting at.

MR. SEVERTSON: Well, I don't know what power you would gain by it being entrenched in the Constitution that you don't already have with property rights.

MR. FITZGERALD: Well, for one thing, there's a matter of expropriation. I don't know if any of you people have had land expropriated. When I praised the Constitution before 1939 – it's just a family matter, but we had some land expropriated. It belonged to my mother. She wouldn't accept the expropriation package, so they gave her another piece of land, and when she wouldn't accept that, they expropriated that, too, because she wouldn't pay the taxes on it. So that's what I'm talking about when I say about the property rights. Do you think we have that now?

MR. SEVERTSON: Well, we've got expropriation, but I use the example: I have land along a four-lane highway; I don't think I should have it entrenched in the Constitution that the highway can't be widened because I have that piece of property either.

MR. FITZGERALD: Well, perhaps you're right, and I agree with you on that matter, but that goes along with the freedom

of information Act. If you could find out what your next-door neighbour got for his land or vice versa, it might be a little easier for you to accept whatever they say, because if you follow the expropriations along this province and settlements that happen on some of the places, especially around Edmonton, you'll see what I'm talking about.

MR. SEVERTSON: I'll leave it then.

MR. CHAIRMAN: Thank you very much, Mr. Fitzgerald. The subject of freedom of information is very interesting, and of course with so many people coming to government today and asking for loan guarantees either as farmers or small business-people, the subject of commercial confidentiality and personal confidentiality is an offsetting issue that governments have had to wrestle with, so we thank you for your comments.

MR. FITZGERALD: I just might say one thing on that. If it was all published, I don't think anybody would be interested in what each farmer got and everything. I don't think that would come forth in the papers. It would just be of interest to the people that were local.

MR. CHAIRMAN: Well, I think lots of neighbours are interested in their neighbours' businesses.
Okay, the next presenter is Max MacFarlane.

MR. MacFARLANE: Good afternoon to all of you. I speak as a relative newcomer to this country, 25 years ago. If my accent throws you, that's too bad.

We are on the question of the Constitution. I lived in Quebec, and as far back as 1965 they were clamouring for freedom. Why have we persisted in balking them at every turn? If they wish to secede from Confederation, why should they not do so? In light of Canada's previous representations in 1963 at the Victoria Falls conference, which dissolved the central African federation, Canada was most vociferous in support of such a dissolution. Why should that not take place in this country? Why should no province have rights to secession? We all talk about a strong, united Canada. It's rhetoric at this point, nothing more. We have committees after committees ad nauseam, none of which are effective. Hopefully this one might change something. I will see that in the results, hopefully.

There are a lot of injustices which I would care to mention. The gap between the have and the have-not people in this country is widening. We hear about tax reform, yet taxes are heaped upon people who can least afford it. We have gone away from the concept of government by the people. A few people in Ottawa tell the rest of us what's good for us: live with it. We are living in an overburdened government. There is a department for everything, most of which is quite unnecessary.

A few other matters that are of concern to me as far as the Constitution is concerned. How much input does western Canada have in Confederation? Very little, if any. We're patronized: tut tut, little boy, there's your nickel; now be quiet. I would say again that if Quebec is insistent upon seceding from Confederation, so be it.

I will touch very briefly on the universality of social benefits. Again, this is unfair. We have persons earning \$100,000 and more who are entitled to the same family allowance as persons on the poverty line. Could that not be addressed, or could it be addressed at the risk of offending someone in very high places? I would suggest to you that poverty and injustice are the parents of radical idealism. We don't want to see that come into this

country, do we? The rubric "woodenheadedness" was coined as a phrase some 28 centuries ago as a result of the Trojan War. We are making that same mistake today, or the mistakes that were made in that era. Consider that we've advanced technologically and in every other way, but government repeats the same mistake. Rather than belabour you with any further rhetoric, I will just say that unless something is done very positively very soon, this country will be reduced to the status of a banana republic, with one attendant disadvantage: we cannot grow bananas.

Thank you, gentlemen.

MR. CHAIRMAN: Thank you. Questions or comments?
Ken Rostad.

MR. ROSTAD: Max, you mentioned that the gap between the haves and the have-nots is widening. Do you have any ideas on how that may be rectified through the Constitution?

MR. MacFARLANE: Well, certainly. The one thing that has to be taken into consideration is that all people are individuals, and we all have our failings, we all have our good sides. Some people have more to offer society than others. Others are being penalized for the fact that they cannot offer as much as the next person. One has only to visit downtown Edmonton to see what I mean. There should be something written into the Constitution that guarantees people at least a minimum acceptable standard of living.

MR. CHAIRMAN: Yes.
Pam Barrett.

2:12

MS BARRETT: Well, pursuant to that, then, you said that universality of some programs is really not warranted. But if you followed your last suggestion, would you then say that we should just spell out in terms of minimal living requirements or what have you the specifics such as medicare, or are you saying drop medicare too?

MR. MacFARLANE: I didn't mention medicare.

MS BARRETT: No, I know. But that's one that is most commonly discussed at these hearings, so that's why I thought I'd ask you specifically.

MR. MacFARLANE: Medicare as a universal social benefit is absolutely essential, as is education.

MS BARRETT: Okay. Thanks.

MR. CHAIRMAN: Any other questions or comments?

Well, thank you very much for your presentation and for coming forward.

MR. MacFARLANE: Thank you again.

MR. CHAIRMAN: Elmer Knutson.

Mr. Knutson, you've given us quite a lengthy written document which we will of course read. If perhaps you wanted to touch on some of the points in your presentation, it will permit us to have some dialogue with you on those points.

MR. KNUTSON: Well, yeah, thanks very much for the opportunity. When I found out yesterday morning at 9 o'clock that I had a chance to meet with you people, I had to work till the wee hours of the morning to get this document put together.

I believe that I am now meeting with probably one of the most important sovereign parliaments in Canada. By saying that, I say that we have never confederated in this country and that we have never had or drafted a people Constitution in this country. So I'm not going to talk about amending the present Constitution; I'm talking about drafting a new Constitution by the people of this country in a constituent assembly and establishing the nation called Canada.

Twenty years ago I began to do what you people are now doing in trying to look at Canada to find out really what kind of a country we had: did we confederate; did we have a Constitution, and did the people of Canada create this country or was it just a happening? So about 20 years ago I began to ask those questions, and it led me to the archives of Great Britain and to Washington and finally to Ottawa. When I began to read and look into the stuff, I really found out that we did not and could not, and I have 4,000 documents to prove that we did not confederate in 1867. The first person who really said that was Lord Monck. In November 1884 the governor in Quebec wrote to his superior in England, the Rt. Hon. Edward Cardwell, M.P.:

I must in the first place express my regret that the term "Confederation" was ever used in connection with the proposed union of the British North American provinces. Both because I think it an entire misapplication of the term and still more because I think the word is calculated to give a false notion of the sort of union which is desired, I might almost say which is possible between the provinces. They are in no sense sovereign or independent communities. They possess no constitutional rights except those which are expressly conferred upon them by an Act of Parliament and the powers of making treaties of any sort between themselves is not one of those rights.

Then he explains what a Confederation is.

A Confederation or federal union as I understand it, means a union of independent communities bound together for certain defined purposes by a treaty or an agreement entered into in their quality of sovereign states, by which they give up to the central or federal authority for those purposes a certain portion of their sovereign rights retaining all other powers not expressly delegated in as ample a manner as if the federation had never been formed.

If this is a fair definition, it is plain that a union of this sort could not take place between the provinces of British North America because they do not possess the qualities which are essential to the basis of such a union. They are in no sense sovereign or independent communities. They possess no constitutional rights except those which are expressly conferred upon them by an Imperial Act of Parliament and the power of making treaties of any sort between themselves is not one of those rights. That was 1867, when they went to Great Britain for the request to become a federal country.

So then we should say: what is a federal union or what would happen if you actually did federate? In order to endeavour to account for the contradictions in Canada's constitutional position and to suggest a remedy therefor, I wish to lay down some fundamental premises on which I shall base my entire argument.

Locke is credited with saying:

Men being by nature all free, equal and independent, no one can be put out of this estate and subjected to the power of another without his consent. The only way whereby anyone divests himself of this natural liberty and puts on the bonds of civil society is by agreeing with other men to join and unite into a community.

We could go on, then, and talk about a lot of the sayings by

various people stating what is a federal union. I have it here, so I won't bother reading it to you.

The next question is then: Canada did not federate under the BNA Act. I submit that the manner in which the Bill was drafted and the manner in which it was enacted throw much light on the answer to this question. The Act was drafted by the law officers of the Crown attached to the colonial office. Lord Carnarvon, secretary of state for the colonies, was chairman of the conference. Sir Frederic Rogers, under-secretary for the colonies, in Lord Blachford's letters is quoted as saying on page 301: they held many meetings at which I was always present; Lord Carnarvon was in the chair, and I was rather disappointed in his power of presidency.

Now, when the Act was presented in Great Britain, the people of Canada went over there with a suggestion, and this is what happened. Great Britain presented a Bill called the BNA Act. The preamble to that is: The union of the British North American colonies – not the Confederation, the union – and for the government of the united colony, whereas the union of the British North American colonies for the purpose of government and legislation would be intended with great benefits to the colonies and be conducive to the interests of the United Kingdom. This is the preamble of the draft Bill submitted by the colonial office.

The people that represented Canada from the Quebec conferences had this as their preamble: Whereas the provinces of Canada, Nova Scotia, and New Brunswick have expressed their desire to form a federal union under the British Crown for the purpose of government and legislation, based upon the principles of the British constitution . . .

I submit to this commission that in my research of some 4,000 documents there is no evidence whatsoever to show that the preamble which we find in the printed copies of the British North America Act in Canada was either discussed or proven by the British Parliament.

My conclusion after all of that research was this: that the provinces of Canada desired a federal union. The Quebec resolutions of 1864 provided for a federal union. The Bill drafted by the Canadian delegates at the London conference also provided for a federal union. The colonial office was not disposed to grant the provinces of Canada the request for a federal union. The British North America Act enacted by the Imperial Parliament carried out neither the spirit nor the terms of the Quebec resolutions. Canada did not become a federal union under the British North America Act but rather a united colony. The privilege of federating, therefore, was still a future privilege.

That's why I'm talking to you today, because that privilege is still here, and you people as members of a parliament that is in control of a sovereign province have a tremendous responsibility in seeing that we do get a federation in this country.

Now, a lot of people of course argue that we did confederate in 1867. There's no legal document that says so. Further evidence that the British North America Act was not a Constitution and that Canada did not become a federal union is found in section 18, paragraph 3, of the Interpretations Act of 1889, 22 years after 1867. It read as follows:

The expression "colony" shall mean any . . . of Her Majesty's dominions exclusive of the British Islands, and of British India, and where parts of such dominions are under both a central [Legislature] and a local legislature . . . shall, for the purpose of this definition, be deemed to be one colony.

Excepting Canada, no country in the empire had a central and local government; therefore, Canada was one colony.

Now, when did all of this change? Did it change in 1889? Did it change in 1819 when the Imperial conference was on? No.

2:22

On December 11, 1931 – and this is where you people are coming into the picture. The provinces of Canada have not acted on their newly acquired status since 1931. They have not signed any agreement, and they have not adopted a Constitution, and the people of Canada have not ratified a Constitution. Such actions should have been taken immediately upon the enactment of the Statute of Westminster. It is by reason of the failure of the provinces and the people of Canada to take this action that all of the anomalies in our present position exist. We've been trying since 1931 to govern ourselves federally under an instrument which was nothing more than an Act of an Imperial Parliament for the purpose of governing a colonial possession. Not only has this anomalous condition obtained since 1931, it has done so without any reference whatsoever having been made to the Canadian people. They have not been consulted on anything pertaining to constitutional matters, and before there can be a federal union in Canada and a federal government, the provinces of Canada must be free and independent to consummate such a union. They have been free to do this since December 11, 1931.

I therefore pose this question: whence does the dominion Parliament derive its authority to govern this country? The Imperial Parliament cannot create a federal union in Canada or constitute a federal government for the people of Canada by virtue of the British North America Act or any other Act. This can only be done by the people of Canada, and they have not yet done so.

Since December 11, 1931, as an individual citizen of this country I have had the right to be consulted on the matters of a Constitution. I've had the right along with my fellow Canadian citizens to ratify or to refuse to ratify a Constitution, but I've not been consulted in any way whatsoever. I assert, therefore, that until I along with a majority of Canadians ratify a Constitution in Canada, there can be no Constitution, and I challenge successful contradiction of that proposition. The people of Canada have not acted on the altered constitutional status; hence the deplorable constitutional position in which we find ourselves in this country. I know of no other country which is in such shocking constitutional circumstances as Canada, and as a native of this country it is most humiliating to me to be obligated to continue to accept this position, and I am determined to do my part to ratify that position.

Legally Canada is in a state of anarchy and has been since December 11, 1931. All power to govern in Canada since the enactment of the Statute of Westminster has resided with the provinces of Canada, and all power legally remains there until such time as the provinces sign an agreement and ratify a Constitution whereby they delegate such powers as they desire upon a central government of their own creation.

[Mr. Rostad in the Chair]

It is imperative that this situation be dealt with in a fundamental way. Patchwork methods, as we've been doing for many, many years, will not suffice. Obviously, the first act is that the provinces shall sign an agreement authorizing the present federal Parliament to function as a provisional government only. Secondly, steps must be then taken to organize and elect a constituent assembly whose purpose will be to draft a

Constitution which must later be agreed to by the provinces and then ratified by the people of Canada.

Now, in 1935 the federal government in Ottawa decided that they were going to look at the BNA Act, which I began to look at in 1979. They looked at it, and they appointed 36 very prominent men to be on that commission, some as viewers. In their summation they said that there has been no Constitution: no Confederation, no Constitution. In your brief you will find several of the prominent men and what they said at that time.

Now, Dr. Beauséne, KC, CMG, and LLD, Clerk of the House of the Commons, said – and I agree with that because my research has told me the same thing.

It is quite true that if we apply to the British North America Act the principles followed in the interpretation of the statutes it is not a compact between the provinces; it is an act of parliament which does not even embody all the resolutions passed in Canada . . .

He then goes on and says a lot of other things, which you can read, but then he says that our situation has changed because of the Statute of Westminster.

So we say that Canada needs a new Constitution, not a patched-up one, not a modified one. The Constitution that we have in this country has been designed by the Liberal and Conservative parties. They're the only ones that have ever been in power. We were a colony until 1931, and Britain then gave the rights to the provinces to do something about it and form a nation. They didn't do it. That is a future right that's still with you as provinces, and we say to you that as the provincial governments, the only legal governments in Canada – the federal government isn't – you are the ones that have to take the initiative and see that a constituent assembly is put together. Elect one person from each one of the ridings. They don't have to sit in Winnipeg; you'll find that the other people said that in their survey in 1935. They don't have to sit in Ottawa. They don't have to be Members of Parliament. If we can trust the people of our country to elect governments, then we should be able to trust them to write and draft a Constitution and then ratify it at some later date.

So we have a lot of things here. I'd rather be answering questions, but I was working until the wee hours of this morning to try to put this to you. I knew I couldn't say it all, but I wanted it to be on record. This is exactly what I think, and these are some of the recommendations that we think the constituent assembly should be looking at when you people have put them together.

MR. ACTING DEPUTY CHAIRMAN: Thanks, Mr. Knutson. Questions? Jack.

MR. ADY: Mr. Knutson, as I mentioned to you when I came in earlier, I met you a number of years ago. You had done much of this research then, and I know that you've done more since. You make a very logical presentation, but the question that comes into my mind is: if it's so logical, why is it you're not able to get the people in Ottawa, for lack of a better term, to accept your position as to our status as a country today?

MR. KNUTSON: I can give you a fairly reasonable answer, I think, to that. The political power brokers of this country really don't want it changed because they like what they have and they like the constitutional dictatorship that we have. They like the parliamentary caucus secrecy and solidarity and all the other things that go with it. The Prime Minister or Premier can call an election whenever he wants to. He doesn't have to ask

anybody. He appoints judges accordingly. These are all things that, as far as I am concerned, should be determined by the people of this country, not by some political leader or the party he represents.

We also say, and I say it in the brief here, that we should have fixed terms for government. We should have free votes in Parliament so that you people, the parliamentarians, can vote according to the wishes of your ridings. Now, the political parties don't want this. The political parties don't want the recommendations that we'd make to the constituent assembly: that the leader of a party should not be the only person that can authorize your running, for instance, in your party. That should be up to your riding president or somebody like that who has seen the ballots of the people that vote. We believe that too. Kilgour and Kindy, for instance, wanted to vote according to their constituents or riding people. What did they have to do? They had to become independents in order to do it, because the party policies and the party whips and everything else are such that the parliamentarian becomes an infinitesimal cog in a great big machine, and they don't want to change those things.

2:32

MR. ADY: Just one more question along that line. Your position has never, ever found its way into court to be decided by a judge or the Supreme Court or whatever at this point?

MR. KNUTSON: I have challenged Dixon of the Supreme Court and every Auditor General in Canada, including Macdonell, to prove me wrong. I have challenged them. I've sent them copies of a book I published in '83, and I've said, "Prove me wrong." Dixon was the only person that said, "Well, you have a very interesting thing here, and some day I'm going to take a really good look at it." The Hon. J.V. Clyne, a retired Supreme Court judge, looked at it. He and Les Bewley had a four-hour session with me, and they said, "If you were standing before our court of justice, you would have won your case because you have the proof of what has happened in this country." So what I have done is dug up the history, the true history of Canada, and I say: let's make it happen.

MR. ADY: One last question then. With some of the preamble that you just stated, you would advocate a change in our whole parliamentary system, of the party system that we presently have.

MR. KNUTSON: No.

MR. ADY: If you didn't do that, you're indicating a free vote would be allowed to take place in all cases. I think with our present parliamentary system and a free vote, we probably would find ourselves in an election weekly.

MR. KNUTSON: No, no. If you had fixed terms for government, then a free vote and a defeat of a Bill is just a defeat of a Bill; it wouldn't be the defeat of the government. But I'm not suggesting all of this. What I'm saying is that a constituent assembly, elected by you and me and all the rest of the people of this country, get together and draft a Constitution. Our recommendations are some of these things, but it would have to be up to that constituent assembly – not the parliamentarians, not the leaders of the political parties, but the people of this country – to set up the parameters of a Constitution. Maybe it should take them two years. Maybe they should do like they do with the Pope: lock them in a room, and when they send out a

white smoke signal, they've got it done. Maybe it'll take two years, but then ratify it.

You people are doing what you should be doing right now, and I say that this commission is more important than the Spicer commission or the other commission that's running around the country here, because they really have no authority to do what they're doing. Because of the Statute of Westminster, which has never been revoked, you people have the right to demand a new Constitution in this country, drafted and set up. It's up to us, or you people as provincial leaders, to make sure what powers you're prepared to give to that federal government. I'm not saying what powers you should give to them; I'm saying it's up to you to do it. That has to be done through a legal process.

MR. ACTING DEPUTY CHAIRMAN: Any further questions?

Bob.

MR. HAWKESWORTH: Thank you, Mr. Chairman, and thank you, Mr. Knutson, for your presentation this afternoon. I take from your comments – you say Canada is basically without a Constitution, in reading your brief, since the Statute of Westminster has resided with the provinces of Canada, and all power legally remains there until such time as the provinces sign an agreement. Is it your opinion that Quebec has the right to make a unilateral declaration of independence?

[Mr. Horsman in the Chair]

MR. KNUTSON: I'm saying that we've had no Confederation, so therefore all 10 provinces are sovereign at this moment, and they have not created a federal union or a Confederation. If you take that and carry it right through, then Quebec can do whatever they like because they are sovereign as well. Now, it would be a good argument, I believe, that could be made, because they say – and I have talked to them several times in Quebec – they have a lot of rights granted to them by Great Britain in 1867 and in the Durham Act. So I've said: "Yeah, okay; if those rights are yours, then they would apply to that area called New France in 1867; it doesn't apply to all of Quebec. So if you have any special or distinct rights that you got from Great Britain, they apply to that area called New France in 1867. It doesn't apply to all of Quebec." So there's a pretty good argument there: well, yes, what is Quebec? Is it New France, or is it what we have ceded to them over the years, Rupert's Land and all that? But if they are a sovereign province and we have had no Confederation, they have the right to do what they like.

MR. HAWKESWORTH: Although if the land was ceded before 1931, maybe they do. I mean, you seem to indicate that it's the Statute of Westminster in 1931 that was the key breaking point.

MR. KNUTSON: That was the breaking point because Great Britain had to. You see, Canada asked for Confederation in 1867. They didn't get it. Well, the only way that Great Britain could do that would be to give the sovereignty to the various colonies or provinces. That's what they did with the Statute of Westminster. What they did, then, was to say, "Okay, from now on you're the boss; you go ahead and do it and create the federal union that you asked to do in 1867."

MR. CHAIRMAN: Thank you very much, Mr. Knutson. I don't know if you've read our document or not, the discussion paper Alberta in a New Canada, but please pick up a copy as you leave. In that document, within the confederal system we describe different forms of relationships of government.

Within a confederal system of government, a number of independent countries form a union in which each agrees to give certain powers – usually over monetary and economic policies – to a central authority. Each country remains independent except in those matters where they have agreed to be bound by the central authority.

That's what we describe a confederal relationship as, and I think probably you would agree with that.

MR. KNUTSON: You'll find basically the same thing in here. I haven't read that. I'm glad that you're thinking that way.

MR. CHAIRMAN: Well, we describe different types, and we then offer options for Canadians to consider. So if you'd like to take a look at that, I think you'll find it interesting.

Thank you very much for your presentation.

MR. KNUTSON: Okay.

MR. CHAIRMAN: Representatives of the Camrose Regional Exhibition, welcome.

MR. WERNER: Thank you. Good afternoon. We'd like to speak briefly on four issues of concern from our organization's point of view. Firstly, in dealing with the separation issue and the province of Quebec, it is our opinion that the province of Quebec should remain a part of the Canadian system. Quebec offers a unique and diverse culture to our country. It has heritage and roots that have been an integral part of the development in our nation. A strong and unified country will assure better and/or more bargaining powers to assist with trade agreements being developed with both the U.S. and Mexico. It will also give us the strength to compete in trade with the united European countries in the near future. A united country, in our opinion, will always have more drawing power when major industry or businesses are looking for a new marketplace or base to design and/or produce new products.

The French language issue tends to be a somewhat less urgent issue. With approximately 3 percent of the population of Alberta being French-speaking and the other 97 percent mostly English-speaking, it would appear to us that to pass a bilingual Bill making all regions of Canada do business in two languages would be a poor procedure and would not portray good fiscal responsibility on the part of the federal government. The cost factor, as well, of implementing changes to signage, text, education programs, et cetera, would probably be extreme, and the numbers in western Canada would not seem to warrant such action. The result, if a Bill were passed, would likely create a more antagonistic approach by English-speaking Canadians and have an adverse effect on the separation issue if and when it were to come to a vote.

Furthermore, if we're going to allow the French Canadians to be a distinct society, then we must allow similar privileges to the native population, and in all likelihood they have a stronger political case to hold title to "distinct society" than the French-speaking Canadians. The native land claims must be dealt with in a fair fashion, and a compromising decision allowing native Canadians to handle their own affairs would probably put dignity

and a sense of self-direction back into a race that's full of historical and cultural heritage.

2:42

Education is high on the list of priorities. We feel that the federal government must do its part to ensure that the young people of today have all the opportunities possible to access quality education. Standards are higher now than they ever were before, and job stress is on the rise more than ever before. Without good education and preparation our young people will not be able to cope in the workplace. Continued education for people in the agricultural industry is also an important factor. Modern-day farming has become a science. Technology is at our fingertips to enhance the farming practices of today and the future. We feel that avenues must be created to assist with the delivery of that information. The technology that is available has the capability to decrease farming costs and at the same time increase revenues and dividends. Through resource people and material, through seed money to initiate new education programs, the federal government could enhance our farming community. Demographics show that the farm unit is on a declining scale, and it is clear that for survival of that unit we must make the practice of farming a profitable venture. It is imperative that we promote the importance and understanding of agriculture to the urban population. We feel that agriculture is the lifeblood of our country.

On behalf of the Camrose Regional Exhibition I would like to thank you for this opportunity to voice some of our concerns.

MR. CHAIRMAN: Thank you very much. Questions and comments?

Pam Barrett.

MS BARRETT: Yes. Thanks for your presentation. I summarized what you were talking about; I said, generalized bilingualism. You were talking about: should a Bill be introduced to make Canada and all the provinces French and English across the board? You talked about school books and that. Have you ever heard anybody suggest such a thing?

MR. WERNER: I don't know if we have actually coming from the government, but I guess there have been people talking about it. We've just picked up on it a little bit. It's a issue that came out of communication amongst our board, and we felt it was an issue that maybe we could talk about.

MS BARRETT: That's brand-new to me. I've never heard of any such proposal. I'd like to know where it came from. If you can remember, I'd like to hear.

MR. WERNER: Unfortunately, I'm not totally sure. I couldn't answer that. I think texts and education may have been something that we've put in there more as an example. I'm not indicating that this is direct information that we have, but it was more of an example.

MS BARRETT: I see. Do you think it's a commonly held view that generalized bilingualism is something that any government is contemplating?

MR. WERNER: I believe there's some concern out there of that.

MS BARRETT: Concern is one thing. Well, I don't know where it would come from. I guess I'm totally confused. But you say there's concern out there that someone or somebody or something is thinking about doing this?

MR. WERNER: Yes, I think there is concern out there.

MS BARRETT: We have some communication work to do, folks.

Thanks.

MR. CHAIRMAN: Well, we did have a presentation yesterday - you will recall that a gentleman said to us that the federal government should have control of all education and that doing so would guarantee total bilingualism throughout Canada. So it's not an idea that came out of the air.

MS BARRETT: Fair enough, Jim, but to the best of your knowledge or mine no government or party has suggested any such thing, right? That's what I was getting at here.

MR. CHAIRMAN: Oh, no; I'm quite aware of that. But in this exchange of ideas amongst Canadians, that was one suggestion that did come forward: that the federal government, by having control of education, would be able to have all Canadians bilingual. So it's out there as an issue. What you're saying is you don't want to see that happen. Is that correct?

MR. WERNER: Yes.

MR. CHAIRMAN: Thank you.

Yes, Bob.

MR. HAWKESWORTH: Thank you, Mr. Chairman. I'd like to thank our presenters this afternoon. I agree with you that agriculture is pretty basic to everything else that goes on in our country. One of the questions that's been raised recently, certainly with the Quebec government, is that with agriculture being a shared jurisdiction, they'd like to see the federal government sort of vacate that area totally. It's one of the sort of recommendations of the Allaire report and is part of the negotiations going on with Quebec and amongst the provinces. What's your view about the role of the federal government in agriculture? Do you think there is one, or is it something that should basically be left up to each provincial government to take more or less total responsibility for? Or are you relatively satisfied that our present arrangements, with a shared role for the two levels of government, is an appropriate one?

MR. WERNER: I think the shared role is something that we would prefer. You know, I think you need both levels of government involved. If farming is going to exist and we're going to have people continue to be in farming and I guess make it profitable for young people to get into, I think you need both governments involved to initiate that sort of stuff.

MR. CHAIRMAN: Any other questions or comments? Well, we want to thank you very much for your thoughts and appreciate your coming forward. Thank you.

Mr. Windross.

MR. WINDROSS: Pardon me. I get a little nervous when I get up in front of this.

MR. CHAIRMAN: Please don't be nervous. None of us has bitten anybody yet.

MR. WINDROSS: I've been doing it for quite awhile, and I still get nervous.

Mr. Chairman and members of the committee, I don't know whether it enters into the Constitution or not, but it's something that bothers me some. Democracy is the rule by the majority, I believe. If you elect leaders of a party, they have to get 50 percent before they can be elected, like leadership conventions. Except once we get these people in leadership and then they have an election, here's where we throw it all out the window. If you have three people running and one person gets 40 percent, one gets 31 percent, and one gets 29 percent, the person who gets 40 percent goes to Parliament. But there are 60 percent here that didn't want him; that's not the majority. Now, these figures, with five people running, could go down to 22 percent. Theoretically, we could have a majority government in power with only 25 percent of the vote. I don't think that's democracy. These people with 22 percent go there and they make laws, and the 75 percent or whatever's left have no recourse. These people are in power.

Now, there are some ways of getting out of this sort of thing. I don't think a two-party system – nobody would go for that. There are too many parties that would holler. But if they had a runoff – like if the two top people didn't get 50 percent of the vote, then the two people would have a runoff, and then you would get somebody with 50 percent of the vote, which would be a democratic way of doing it. But people going to government with 22 or 25 percent of the vote I don't think is democracy.

That's about everything I have to say, I think.

2:52

MR. CHAIRMAN: Okay. Mr. Windross, your concern, then, is to how you ensure that anybody who is elected to office has a clear majority.

MR. WINDROSS: Clear majority.

MR. CHAIRMAN: I see.
Okay, Pam Barrett.

MS BARRETT: Just one question following on that recommendation, and that is: would you also consider electoral reform to allow for a European style of election, so that if you have three political parties, one gets . . .

MR. WINDROSS: Could you speak up just a little?

MS BARRETT: Sure. You've got to be the first person who's ever asked me to speak up. I'm usually too loud.

MR. WINDROSS: That's because I've got a hearing problem.

MS BARRETT: Okay. Pursuant to your recommendation, have you considered the European system? For example, if you've got three parties running and one party gets 40 percent of the vote, they get 40 percent of the seats; if one party gets 25 percent of the vote, they get 25 percent of the seats; that sort of formula. Would that sit as compatibly with you as your own proposal?

MR. WINDROSS: You're talking about each party?

MS BARRETT: Yeah. It's proportional representation on a party basis for forming governments and oppositions.

MR. WINDROSS: Well, I suppose that would be all right, but you're still not getting the clear majority.

MS BARRETT: That's correct. Governments are often elected without a real majority at all, yes.

MR. WINDROSS: Well, as I say, you can have a majority government in power with 25 percent of the votes, and there's 75 percent out there – there's not a thing they can do about it. I don't think that's right. If they had a clear majority of 50 percent, like if the first and second person had a runoff, then they would be a majority and you would have the 50 percent.

MR. CHAIRMAN: Okay; I think we understand your position very clearly.

Bob Hawkesworth.

MR. HAWKESWORTH: Just one other question. In Australia they have a law that you can be fined if you don't vote on election day. The other aspect of this is that people can be elected, even have a clear majority of all the votes cast, and yet less than 50 percent of the eligible voters bother to show up to vote. Just on that other aspect, would you support the idea of a law similar to Australia, where people are fined or penalized if they don't exercise their democratic right or responsibility to vote?

MR. WINDROSS: No. I don't think they should be forced to vote, but if they don't vote, then they have no right to gripe if something goes wrong for them.

MR. CHAIRMAN: That's a very interesting point for an elected politician. I don't think you can ever keep people from griping in our society, but that's an interesting comment.

Yolande, did you wish to ask . . .

MRS. GAGNON: Actually, my comment was exactly the same. I wanted to look at the responsibility of the voter and indicate that in many cases people are elected and only 30 percent of the voters went out, and then maybe only 15 or 12 percent of those 30 actually voted for the winner. So you get a situation where not a lot of people chose that person. I was going to talk about the obligation to vote if you're on the voting list. Should we enforce that?

MR. WINDROSS: The only way I'd look at it is that a person is not a very good citizen if they don't go out to vote and take some interest in their government.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Thank you. Well, we do have examples in the world of runoff elections, and I think France is one of those where they do have runoff elections. If a person doesn't gain a clear majority, then a week later the people go back to vote again until they finally do get that position. So it's an interesting proposition, and we thank you. Then there are those people who don't want to vote, as opposed to the Australians, because they don't think anybody who's running is good enough. Maybe that's why a lot of people don't vote, and therefore people should be given the right, I guess, to vote or not to vote. So

that's one of those interesting discussions. Thank you very much for your views and for coming forward today.

We are running at the moment just about 15 minutes behind schedule, but I do believe it would be helpful if we did take a 15-minute coffee and/or stretch break.

[The committee adjourned from 2:57 p.m. to 3:08 p.m.]

MR. CHAIRMAN: Ladies and gentlemen, I'd like to get started again. In addition to the scheduled presenters, we have now added five additional presentations for this afternoon, so I would like to get under way.

Douglas Russell. Thank you for joining us. Would you like to proceed?

REV. RUSSELL: Mr. Chairman, I'm from Red Deer, but the slots were all full there, so I came here.

MR. ROSTAD: You're welcome.

REV. RUSSELL: It'll take me about 12 minutes, I think, to read this, and I have copies for you out there at the front desk. I have entitled this paper, My Vision of a Renewed Canada.

You have invited me to share my views with you on the future of Canada. I do not speak from the standpoint of the politician or political scientist but as a middle-of-the-road, grass-root Canadian. My forebears were pioneers in this country, and I have lived in Canada all my life. To me one of the most important issues to be discussed is the Charter of Rights and Freedoms.

Freedom stands right at the head of the list when it comes to what Canadians really want. The Charter has an appealing title, and it may be hard to find fault with what it says in print. It is my opinion that it is quite different in its practical effect on the lives of the people. The Charter has brought about a great emphasis on individuals' rights, which has created a foment of unrest in our society. The courts are clogged with cases where people are struggling to get everything that is coming to them and sometimes more. There is little of the spirit of give-and-take, something that is vital to a peaceful and happy society.

To me the Charter is the greatest blow to democracy of anything that has ever happened since Canada became a nation. We elect people to represent us in Parliament only to find out that the courts have the final word. In reality, power has been taken from Parliament, representing the people, and given to the Supreme Court. On the day-to-day level minorities seem to rule. One individual objects to a law or a custom, and they get attention. The other 99 percent of the people stand by helplessly and submit to the rights of one person. This is the destruction of democracy as I understand it.

The rights of individuals have been taken to ridiculous and unrealistic lengths. If a family wants to hire a babysitter for their three-year-old daughter, they can't specify that it must be a female; rather, they have to be devious or suffer the wrath of the law on discrimination. This is one example of minority rule. The government allowing the Mounties to wear turbans is another example of minority rule. It is not race prejudice but common sense that our police force have a uniform easily recognized by the people. Where will we be if we allow every ethnic group to alter the uniform, and where will we be if we don't? If we don't, we will be guilty of discrimination.

The Charter of Rights and Freedoms is supposed to protect the freedom of religion but in reality has made us intolerant of religion, especially the Christian religion. This nation has stood

out as a free people largely because it was founded on the principles of the Bible. People from other races and religions are keen to come here because we are or have been a free people. When they get here, they want to impose on us the religion and customs of the countries they wanted to get away from. I am not opposed to people of other cultures adhering to their customs and religions when they come to Canada. Allowing them to do so is a practical aspect of the freedom we enjoy and often gives colour and diversity to our culture. But please don't let them force their way of life on the rest of us.

We have become so sensitive about race and discrimination that you can hardly tell an ethnic joke anymore for fear of getting into trouble with the hate laws. Things have gone to ridiculous lengths. Nobody enjoyed a joke on a Scotsman any more than the Scots. I am of Scottish descent on my father's side and was raised to hear the Scottish brogue from my grandparents. Nobody enjoyed a joke on a Scotsman any more than the Scots, but now these poor people can't even laugh at themselves. To be more serious, millions of dollars have been wasted trying to prove that somebody said something about somebody else that smacked of hate. The real effect of these laws is that they have put the muzzle on some things that should be said about some groups and practices that are detrimental to society, but people are afraid to say them.

Politicians wonder why this country is in an upheaval and why people don't trust them. They talk about the serious crisis we are facing and how the country is going to fall apart. If some of the abuses of power I have mentioned were corrected, there would be less turmoil in Canada and more confidence in the politicians.

The question of Quebec stands high on the list of problems which must be resolved. This is the time for cool heads and warm hearts. It would not hurt the rest of Canadians to humble themselves and tell Quebec that we want them to stay in Canada. Separation would tragically fragment this country. Moreover, it would set a dangerous precedent. Who would be next? Western Canada, Ontario, or the maritimes? We can't let it happen. We must not only tell Quebec that we want them but that we are not prepared to let them go. I am not advocating civil war, but we need to remember that the Civil War in the United States was not fought on the issue of slavery but secession.

A successful union of the provinces of Canada under a central government is dependent upon all the provinces joining that union on an equal footing. Conditions must be the same for everybody. There can be no wheeling and dealing, no favouritism. Showing favouritism is a sure way to cause trouble in the family, and it is just as sure in the family of provinces. The Meech Lake accord fell to the ground because Quebec was spelled out to be a distinct society. Nobody knew what that meant, and if the politicians knew, they were not about to tell us. The people of Canada are not willing to make binding agreements without knowing what they are getting into.

I don't have much to say on the aboriginal question. These people should be listened to and treated with the same respect and dignity as anybody else. To think of them as a separate nation is neither feasible nor practical. It may be possible to give them more self-government, and if it is, they should have it. I do think some of the claims they make are far out of line with reality and far beyond anything they can reasonably expect.

As for Canada as a nation, it is my opinion that we need a strong central government taking charge of such matters as defence and other facets of government not possible for provinces to administer. Duplication of funds and services

between the federal and provincial governments should be eliminated as far as possible. There should be a means of working out a more equitable Senate. We know that Parliament is a place where members are free to say what they think, and that is as it should be. It is my opinion that that liberty has been abused, resulting in conduct unbecoming to Parliament. Our highest form of government should be a place where an example is set to the rest of Canada, where problems may be discussed and varying opinions expressed with respect and dignity.

Canadians must learn to live within their means. There are no free lunches in this world, so we may just as well stop looking for them. Man is going to eat by the sweat of his brow or by the sweat of somebody else's. Too many times it has been the latter. While some were doing the sweating, others were sitting around living on welfare or unemployment insurance waiting for the job to their liking.

3:18

When governments are in debt like they are, they don't have money to give away to everybody who holds out their hands. I am in favour of helping in the disaster areas of the world and the needy at home, but giveaways must be drastically cut. Our present system of universality is one of the reasons we are in financial trouble. Politicians may have thought they could not get elected without it. The time may have come when they will not be able to get elected with it.

I am for a laissez-faire type of government. Let people have their freedom as long as they don't hurt themselves and others. Keep government as simple as possible. People rebel at too many laws and restrictions. Hopefully, most of them want to live and let live.

Government has intruded far too far into the personal lives of the people. One outstanding example is the matter of child rearing. Certainly authorities must step in when children are abused, but when governments start telling parents they can't spank their children, they have outstepped their authority. I might as well be plain: the "don't restrain them" theory has brought us to the place of near disaster. Teachers cannot control children and youth in schools. If they try it, they're in danger of getting attacked. Next these young outlaws, a definable group I might get into trouble for identifying, are in trouble with the police. I verily believe that the "don't restrain them" philosophy is the cause of much of the serious child abuse. Undisciplined children become so obnoxious that even their parents can't stand them any longer. That is when they get seriously abused.

Canada is my home. I love my country. I want it to be here for my children and my grandchildren. I believe it can be. I don't think it is past hope. I do believe that some of the issues I have mentioned must be addressed. There is much unrest and too much complaint to pass over lightly. We need to be honest and say what we think in a nice way. I do believe something can be done about the problems which so seriously divide and trouble us.

MR. CHAIRMAN: Thank you very much, Rev. Russell.
Questions from the panel? Yes, Mr. Rostad, Mrs. Gagnon.

MR. ROSTAD: Thanks, Mr. Chairman. Mr. Russell, you and I have had occasion to correspond many times in your other capacity, in your drug abuse foundation. One thing you didn't have in your paper was reference to bilingualism or the French language, and we've had presentations from various locations

and people on that. Could you maybe tell me: do you think bilingualism is a successful exercise?

REV. RUSSELL: I think it's in anybody's interests to learn another language, whether it's French or German or whatever. It's just a good thing in a culture like ours or any other culture to have another language. However, I think the way that it has been rather forced onto us is very undesirable. I missed it out of the paper, but I think it's one of the nagging things about our society today: that some people feel there's been too much force and too little persuasion as far as this is concerned. I'm perfectly happy; if people want to talk French, fine. If they want to talk Italian or if they want to talk Ukrainian, it's fine with me. I don't have any problem with people. In my lifetime I've met hundreds and thousands of people of all nationalities, or at least a lot of them. I don't have any trouble with the people. I do have trouble with some of the things they do sometimes.

As far as the government is concerned, I think if they had taken a little easier stance on that and not used so much pressure and so much force – I'm talking about the federal government now – and let communities where there's a demand for French, have French. If there's no great demand for it, then we just can't afford it.

That's my stance on bilingualism and biculturalism. I mentioned in here that people resist force. You can lead people, but you can't drive them. I just think there's been too much force in that area.

MR. CHAIRMAN: Other questions, comments? Yes, Yolande Gagnon.

MRS. GAGNON: Thank you. In regards to the distinct society, which you said should not be in any Constitution, what would you think of having a statement in the preamble that would say that because Quebec has a common history, a common language, common literature, and so on, they are somewhat distinct? So that would be acknowledged, but just in the preamble, along with a statement about our aboriginal people, again in the preamble?

REV. RUSSELL: I don't think I would object to that. I think the problem with it, the way it was handled, was that it was too vague. People didn't know what it was all about.

MRS. GAGNON: And what that would give as far as powers.

REV. RUSSELL: Well, I think that if it was made plain, people would know then what they were dealing with. I'm not against these people talking their own language, or any other people. We've got some distinct ethnic groups right here in Alberta. I'm not against them with their customs. Let them have their customs. But it's like I said here: we shouldn't force them onto other people.

MRS. GAGNON: Uh huh. I guess I would just like to know: in what way has French been forced upon you, for instance, living in Camrose, Alberta?

REV. RUSSELL: Well, it's not been. I guess I'd have been making a racket if it had been, but it wasn't; it hasn't been forced upon me. I understand, though, that in Manitoba they were going to try to make them put all their laws into French. Now, I don't know whether they've got over 50 percent French language in Manitoba or not. I doubt if they have. Those are

the places where I think we ought to pull back and not be so pushy with it.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: One of the things you say you want to see is "a strong central government taking charge of such matters as defence and other facets of government not possible for provinces to administer." One of the things we've been hearing from some people is that the federal government should start playing a larger role in education, which is now a sole responsibility of the provinces. What is your view on education as a responsibility of the provinces or the federal government?

REV. RUSSELL: Well, as far as education is concerned, that's out of my field and out of my realm of knowledge. I wouldn't know. Those are things that would have to be worked out. I think, though, that what I said here was that in those areas where there's overlap, we should do away with that as much as we possibly can in the interests of economy. If the federal government had something to offer to the provinces, I wouldn't object, providing that it wasn't so compulsory that you had to. With all respect to the people down east – I don't have any grudges with them at all – I think, you know, we need some flavour in the education, maybe not the whole thing but a lot of the flavour from the grass roots of the situation. In this province probably we know more here about what we need than maybe they do down in the east, but I wouldn't object to some input if they have some good things to say and do, providing it isn't too compulsory.

MR. CHAIRMAN: Pam Barrett.

MS BARRETT: Thank you. I'd like to switch subjects to the contents of, I think, your fourth paragraph: the Charter. You say, "We elect people to represent us in Parliament only to find out that the courts have the final word." I want to know if you understand that it is not the Charter itself that is the cause of that but having control over the Constitution, a supreme law, compared to which other provincial and federal statutes may be challenged.

REV. RUSSELL: I'm not any legal expert or political expert, neither one. I'm a grass-root Canadian. The way it comes across to me is that the responsibility for a lot of this thing that we are talking about in that brief is the result of the Charter. They always say that the Charter of Rights did this and the Charter of Rights did that.

MS BARRETT: Yes. I think I'd like to explain something then. In any constitutional society that also has an independent judiciary, virtually any law passed by any authority entitled to pass laws can be challenged against a backdrop called the supreme law, which is called the Constitution. I guess, then, my subsequent question to you would be: knowing that it is the Constitution, not just one of its appendages, the Charter, that actually causes this, would you suggest that we would be better off without a Constitution?

REV. RUSSELL: No. I don't think I would go that far. You may be perfectly right in what you say: it's the Constitution more than one facet of the Constitution. You maybe are. However, I know it was about that time that things started to change, when the majority had less favour or less power, if you

want to put it that way; the Parliament had less power. There was something that went wrong back there, even if I don't know the technicalities of it.

MS BARRETT: That's correct. You are right. When we patriated the Constitution, we thereafter had the supreme law against which we could test other laws, as has happened in the States for a few hundred years. Yeah, you're right.

REV. RUSSELL: Well, I don't know all the fine points on that subject, but I know there's been a big change, and I don't think the change has been for the better. As I said, I think it's been a blow to democracy. One person in a community – and I know this happened, because it has happened right in our community – can make an objection and get to the commission on rights and so on. What do we call it?

MS BARRETT: The Human Rights Commission.

3:28

REV. RUSSELL: The Human Rights Commission. There was a situation down there where there were 4,000 schoolchildren involved. It was this matter of teaching the Bible in the schools, which has been done for 20 years in Lacombe county, and there was one person that objected to that. There were only 25 children out of 4,000 that went out of that class, like they're entitled to if they want to, but at the same time – now, I don't know where that's going to end up, whether it's going to end up in the courts or what, but I really wouldn't be that surprised if it did and that those 25 people, which is less than 1 percent, might prevail. Where's our democratic principle gone to?

MR. CHAIRMAN: Well, thank you. The subject of Charter versus 'noncharterous' is one which could occupy us for a lengthy time, but I do thank you for your views and for coming forward today.

REV. RUSSELL: I thank you for the opportunity.

MR. CHAIRMAN: Thank you, Rev. Russell.
Eudore and Eleanor LeBlanc.

MRS. LeBLANC: I'm nervous.

MR. CHAIRMAN: Don't be nervous.

MRS. LeBLANC: Mr. Chairman, members of the panel, friends, and fellow Canadians, I speak with a heavy heart. We must love one another. We have to respect each other. I myself come from a Canadian-German background. We have been blessed over the years since I married this Canadian French farmer of mine to have lived in a mixed community, language and religion included. No one said are you French, German, Polish, English. We looked after each other. If our children came home saying something in another tongue, we only had to ask what they said.

I just finished using some leather we bought from some of our Indian brothers and marveled at their tanning work. The Bible says we are all equal, no one of us is superior to the other. It is when we share and put things together that we really, really have something.

When I started school, I knew only German. We were denied the right to speak our father tongue by the governing body, yet had fathers, uncles, brothers, and sons die in the war just like

everyone else. Too bad we couldn't have invited the Fathers of Confederation today; the first ones to say we live in a bilingual country.

I have prayed many times that while our children were young they could learn French. Oh, they went to special classes if possible, but to keep bread on the table sometimes we had to move. Yes, and even leave our beloved farm behind. Well, when children are young and willing to learn, they learn quickly. This is when I would have learned with them. Wouldn't it have been nice if they had grown up with the two official languages of Canada, French and English, as well as my father tongue, German?

Can any so-called leaders think perhaps of tomorrow? Give our leaders of tomorrow a chance to do what we were supposed to do. Children are smart. We can learn from them. They love each other. They love their neighbours, unless mom and dad tell them to stay away from that black kid. If God had wanted us to segregate, he would have put a different mark on each one of us, maybe a tattoo on our forehead. Let's get with it. Go to Quebec, as we did, and see how they struggle. Talk to someone in French if you are on the wrong side of town, and they look at you as if you are crazy and say, "I don't speak de French." Bad enough free trade; now we must work to keep Canada together. We must show other countries we are intelligent enough to learn something from each and every culture, but most of all the two official languages of our beautiful Canada. How about maybe even being polite, like maybe a bilingual *O Canada* at our hockey games in Alberta? How about it?

Now I'll let him make sense.

MR. CHAIRMAN: Would you like to also make a presentation?

MR. LeBLANC: I might as well, and then we can answer questions later, I guess.

I like what the previous person said. I don't agree that Quebec has been demanding too much. They have been demanding an awful lot of times. They're still demanding, but they were demanding 100 years ago and still haven't got it, so what's the difference? I mean, if they don't have it, they demand, in some lines. Anyway, I think I'm glad to be a Canadian, but after you listen to someone like Mr. Manning or Mr. Parizeau of Quebec, then you find both ends of the spectrum and you wonder where you fit in.

Being of Acadian descent my background goes a long way back. Twenty-five years ago there were over 100,000 by the same name off the same tree, so in North America there's quite a few of us. But I think that bigotry and prejudice are probably the greatest ill of our country. We have to remember it has pretty well always been that way. If it hadn't been, we wouldn't have had the Riel rebellion and we wouldn't have to be here today.

You know, I've heard that ignorance is bliss, but it sure can hurt sometimes. I don't have to go far from home to have a first generation Canadian tell me, "If the Quebecers don't like it here, they can go somewhere else." I've heard this quite often. A man that's got a very good education, Mr. Wells, scuttled the Meech Lake accord, and - you probably don't know this - he's studying French right now, because as he said, when I'm with my fellow Canadians in Ottawa, they can switch from one to the other, and I need an interpreter.

In my lifetime I met a man, Mr. Braband, who was at Batoche when Riel was captured. I was very young then, eight or nine, and he was 67, but he was a sea of information about the

opening of the west. By the way, we have some history right here. Duhamel was settled by the Red River Valley people, the same as Batoche, Duck Lake, and Carlton, Saskatchewan. Some of the names are the same.

3:38

Education and its impact on Canada now and in the future is the main reason I wanted to speak to the committee, because I feel that in general the basic history and language is lacking. If experience can teach us anything, let's try to use it to the good of the country. The young people being educated today are the leaders of tomorrow, and tomorrow's not far away.

There are hundreds of examples I could use to show that that would not have to be expensive, the first of which is do it when they're young. Here is a very personal example. I didn't know a word of English when I started school, and the first day is the only one I can remember having trouble with. A neighbour boy of ours came with his grandmother to interpret for her and my mother. She was Irish. My mom was widowed when I was only a few months old. I remember feeling envious. Almost as much as our natives I feel I have a right, then, to call myself a Canadian.

A little later, in 1929, she married a homesteader from Saskatchewan, and we found ourselves on the prairies. We've been out west ever since. I feel that I can understand some of the problems in our country, as all the relatives within the immediate family are down east and we've kept in touch with them. We were married in '48 and started to raise a family right away, and we had all the ups and downs that go with that. The two families being so far apart in most things forced us, of course, to live our own life. Because of that and other things that came along as the family grew up, I feel very grateful for my wife's understanding.

Frustrated as we were in the field of education, one example was our daughter being told that she could not join the French class because her mother did not speak it. My wife took a firm stand then. It didn't help our children because they were out of school by the time a change came about. Of course, I've always done my best to keep her informed of what transpired in writing or in word. There was a lot of that when we traveled through and around the eastern section of Canada, but doing so, we feel, helps us understand and marvel at this vast, beautiful country of ours.

Let's all do our best to keep it one. Together we stand, divided we fall. That's never had more meaning than at present for this Canada of ours. By traveling the length of the country, we've probably learned more about our country than we did in books, and there was very little of that when I went to school. A lot of American, no Canadian.

Now that our children are in the work force, they chastise me for not insisting to have a greater use of French in the home. They tell us they can make use of it. Our son with Northern Telecom says it would be the greatest asset he could have right now, being with an expanding company making great strides at present and marketing around the world.

For those who say that this is too difficult, look at Switzerland with four official languages. That's in the schools. English is not one of them. After the first year of operation the students at Maurice Lavallee school in Edmonton registered the highest average in the province. These are students that until then had all their studies in the English language only.

In Ottawa Father Churchill made a long-term study. The reason was to find out how they made out after their studies were completed. The immersion was found to be of little use,

but in a minority setting the students generally advanced faster and went further with their studies than most if taught in their own language. Many more instances could be cited to prove that a better knowledge of languages could be attained by the students with a little foresight and a bit more flexibility on the part of governments across our country so that individuals would not have to resort to the courts for their basic rights to be recognized.

A look at the province of New Brunswick could prove beneficial. I've heard Robert Scully, who works in three languages very easily and fluently. He's a Quebec product and probably a first-class Canadian. I don't know the man. We need more of these people in Canada. I do listen and read in both languages and try to read opinions, but I have trouble with the media in general, especially the English media. They have a responsibility to the public they serve. I believe they could do much better at using the truth, for one thing, to educate and not be too biased in their opinions. Sometimes the biggest problem with their reporting seems to be the sin of omission. I get a very much different setting if I just turn from one station to another and go to the French station for the same news.

Joe Clark now has a big job to do. It seems like an impossible job. Let's all get behind him. Thank you.

MR. CHAIRMAN: Thank you very much, both of you, for your very thoughtful and obviously deeply felt views that you've expressed to us today. We very much appreciate you coming forward and giving us the benefit of your experience in this country. I know you have a little bit of nerves, but believe me you did very well in your presentation, and you needn't feel nervous at all. You did very well.

Are there any questions or comments that anyone would like to direct to the LeBlancs? By the way, there are, as you say, lots of LeBlancs in this part of the world, and I think all of us have constituents by that name.

Yes, Ken Rostad.

MR. ROSTAD: Thanks, Mr. Chairman. I also extend congratulations to you. That was right from the heart. It's obvious that you do think that two languages or any number of languages that we can acquire is good. I agree with you; I think there's nothing better. Along the same context that I asked Mr. Russell prior to you – and this isn't personal; I don't want you to think that these questions are coming because I don't believe in bilingualism or anything like that. We've had a number of presentations from people who think bilingualism hasn't been successful, and I'd like to get your opinion. I realize you say that we should recognize the languages and that we should try and acquire as many, but do you agree with the formal bilingualism program that was brought in?

3-48

MR. LeBLANC: I agree with it a little bit, partly with the last speaker. I think he's very broad minded, and we need more of those in our deliberations now. Like he said, it should not be pushed. I agree with that. But at least it should have some leeway; it should be free. Like I said in here, we shouldn't have to resort to the courts to have our basic rights recognized, especially in schooling, because they're going to be there governing in just a few years. That's where I think it should apply the most, in education, and the provinces have a free hand.

MR. CHAIRMAN: Yolande Gagnon.

MRS. GAGNON: Throughout the hearings so far we've heard people talk about bilingualism. Sometimes they confuse article 23 of the Charter, which guarantees education rights to the minority, be it in Quebec or outside of Quebec, with the Official Languages Act of the federal government, which applies more to the civil service and so on. I take from your comments that you support, first, the Charter and the rights for education in the minority language in Quebec and outside but not so much the other, which would be the Official Languages Act requiring bilingual civil servants and that kind of thing.

MR. LeBLANC: I think to a certain extent, because they do serve the public.

MRS. GAGNON: So if there's a need or numbers warrant somewhere, then . . .

MR. LeBLANC: Yes, that's right. For instance, I tried a few times at the post office here to be served in French. I wasn't successful. I've got to say there's a lady there, gray hair. She knew me from previous visits at the post office. She was very nice, very polite, and she said what she could. The young fellow ignored me as if I was just a post in the corner.

MRS. GAGNON: Another thing I'm curious about, Mrs. LeBlanc. I think it was you that mentioned that one of your children was denied a French education – or you did – because the mother tongue was German. Do you think that was maybe a school trying to make sure they didn't have enough numbers to warrant a program? What was the reason for that?

MRS. LeBLANC: Ignorance.

MR. LeBLANC: Well, yes, basically. The reason was that laws were not in place in Saskatchewan to force the school to give education to everyone. So any issue was a good issue. That's what it was.

MRS. LeBLANC: She also couldn't take typing or home ec because she was handicapped. She had an extra dose of oxygen in the incubator, because she only weighed two and a half pounds, and it caused her to have a stroke at 10 months. She'd peel potatoes at home. There was so much, much segregation.

MR. LeBLANC: You know, that's individuals.

MR. CHAIRMAN: I think that's a somewhat different issue than anything we could deal with in the Constitution.

MRS. LeBLANC: She wanted to go on a student exchange to Quebec, and she fought for it. She offered to work all summer just so that she could learn and go. They refused her the books, and they refused her the right to learn.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Thank you very much, both of you, for sharing with us your views and your heartfelt concerns.

MRS. LeBLANC: Humble as they are. Thank you.

MR. CHAIRMAN: Don't be humble.
Dr. Thomas Wilson.

DR. WILSON: I am the guy you like the best. I'm probably the last one.

Can you hear me all right?

MR. CHAIRMAN: Can everyone at the back hear? Yes. Okay.

DR. WILSON: Friends, politicians, and countrymen, lend me your ears. I have come not to bury Canada but to praise her. First, there are a number of young people around here. They're all good looking, all look happy and healthy, and this even extends to Mr. Trudeau's and Mr. Mulroney's families. We are a small bunch of privates here today entirely surrounded by generals. However, as far as I'm concerned, I'm a broken-down surgeon retired to Pigeon Lake.

Canada has been good to me. I was born and raised in New Brunswick, went to medical school in Toronto, was a medical officer during World War II, and served in a Montreal unit. I came to Alberta in 1949, 42 years ago. My wife was born in Winnipeg. She went to Toronto at an early age, graduated in nursing there, and we were married in 1942. I consider myself a Canadian before an Albertan. Canadians only love their country when they're away from it. In that way we are different from the Americans who love their country when they're in their country but are called ugly Americans when they go away. I'm a monarchist. We have a nice lady who drove an ambulance during World War II who is our Queen. I would like to negotiate with Quebec. It is a distinct society and always will be. They supply some aplomb or something else that the rest of us do not have. There should be no special rights for anyone.

I feel we must have a strong centre. As far as the Parliament is concerned, it's all right, but the politicians all make too much money and sometimes don't conduct themselves too well in Parliament. I know it's a hurly-burly. The Senate we cannot afford. It consists of a bunch of old farts and political hacks and should be abolished. What should take its place is difficult. Since I'm a maritimer myself, I feel the maritimes should unite. It's ridiculous that P.E.I. with one quarter of the population of Edmonton has a Lieutenant Governor and a cabinet. As far as an upper House is concerned - and now I've abolished the Senate - I think we should have only 11 members. It should consist of two members from the Atlantic provinces, two from Quebec, two from Ontario, two from the west, one from the Northwest Territories, one from native peoples, and one appointed by the Prime Minister.

I feel education in Canada should have uniform standards. It would be difficult to administer, but perhaps there should be some examination for everyone that finishes grade 12, just like we have in medicine when you get your licence to practise. When you get your licence to practise in medicine, it's your licence to steal.

3:58

Today on the way here we stopped in so my wife could buy some drapes for our bedrooms. We call it our shack on Pigeon Lake. While there, I talked to a couple of young girls who were ardent Canadians. Indeed, most young people in Canada today want to be Canadians; they don't want to be Albertans or Quebecers. There are many good things about Canada. First of all, medicare is a great thing. I think for rich people there must be user fees to make it fairer. At the present time we can move fairly and equally across Canada, and you can get a job if you so want to move. There are bad things in Canada too. One, particularly, is the national debt. Now it consumes 35

percent of our goods. The GST may help this; it may get the national debt down. We are overgoverned. We have too many politicians and bureaucrats who make too much money.

This is the first political meeting or constitutional meeting I have ever attended in my life, which has gone on for not quite 76 years. Thank you very much for listening to me.

MR. CHAIRMAN: Thank you very much, Dr. Wilson, for some provocative thinking. I'm a lawyer, and we get accused of the same thing doctors do, about the licence to print money or something like that. Somebody mentioned earlier that we can't make ethnic jokes. I think the same thing should apply to lawyers; we should stop making jokes about lawyers. That's impossible, I know.

Jack Ady.

MR. ADY: Thank you. Doctor, I have a couple of questions. The 11-member upper House or Senate that you describe: would you propose that they be appointed or elected? If appointed, by whom?

DR. WILSON: It doesn't matter to me one way or another. I feel that in Alberta this triple E Senate is a no-no. I don't think it will ever work. I agree with Joe Clark on that.

MR. ADY: A second question. You talked about a user fee in health care, and that is bandied around a lot, particularly in western Canada. Would you therefore advocate the decentralization of power in the health field back to the provinces to allow them to do that? Presently that's prohibited under the Canada Health Act by the federal government, and it would be necessary for that power to be given to the provinces to do that.

DR. WILSON: Uniform standards, probably better administered by the provinces.

MR. ADY: Thank you.

MR. CHAIRMAN: Other questions or comments?
Yes, Pam Barrett.

MS BARRETT: Could I just get clarification of that last point? Did you say uniform standards but administered by the provinces?

DR. WILSON: Yeah.

MS BARRETT: So by "uniform," they'd be negotiated either by all provinces or with the federal government but provincially administered. Is that what you meant?

DR. WILSON: I'm not quite sure of that, but I feel that certainly we should have uniform standards. I think everybody would agree with that. But I'm not quite sure how it should be administered. I suppose those who put money into it should, you know, take out from it too. I'm not sure of that. I can't answer that question.

MS BARRETT: You answered part of it though. Thank you.

MR. CHAIRMAN: Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. Thank you, Dr. Wilson, for coming this afternoon. You mentioned that

you would like to negotiate with Quebec and you believe they're a distinct society. Maybe you can give us some thoughts. How do we recognize Quebec as a distinct society without sort of creating special rights for them?

DR. WILSON: I think we should give a bit. We're a rich province, and I think we should give more right now to the poorer provinces.

MR. CHAIRMAN: Dr. Wilson, I don't think there's any doubt that we presently do that as Albertans through the taxation system at the federal level, and that is entrenched in the Constitution with respect to the 1982 Constitution. So the equalization payments and so on are indeed entrenched in the Constitution. Quite frankly, I've never heard people really object to that.

DR. WILSON: Well, I'm glad to hear you say that, because I was afraid that if we became just satraps or became just a powerful Albertan community, we wouldn't have that equalization of wealth and knowledge and everything else. We're much better as a whole than we are as parts.

MR. CHAIRMAN: Well, this is the fourth day of hearings, and so far we have not had anyone come forward suggesting that the Constitution be amended to change the requirement for equalization payments which is now in the Constitution, other than some separatists, I guess, who have a different perspective on the whole country.

Thank you very much for your thoughtful comments. Maybe it won't be the last time you'll come and give us your advice.

DR. WILSON: Well, no, it isn't that, Mr. Horsman, and I don't have to write you because you already have my letter.

MR. CHAIRMAN: Thank you.
Harry Gaede and Alan Fielding.

Just before these two gentlemen commence, I should point out that we're running just about on time. We always leave an hour at the end of the day for additional people. We have those spots now filled up as well, so in addition to these gentlemen we have four presenters who will be coming forward.

Welcome, gentlemen.

MR. GAEDE: Thank you, Mr. Chairman and panelists. We appreciate the opportunity of coming here. Alan and I thought we could both fit into one slot, and we thought we would do it that way.

What I would like to say is that we'd better remember what this country is all about, and I think perhaps we've taken this country too much for granted. Most of you may remember the recent comments from the OECD which stated that Canada was near the top of all countries rated as to quality of life. I can tell you from my own experience that Camrose is near the top of Alberta, and I know Alberta is near the top of Canada. So this is literally one of the best places in the world to live.

MRS. GAGNON: That's because of their MLA.

MR. GAEDE: Well, that might have a little bit to do with it. Although I was born and raised in Alberta and educated here, I've traveled extensively throughout the world, and I lived outside Alberta for about six years of my life. I lived in Quebec for a couple of years, in Nova Scotia for a couple of years, in

Ontario and Manitoba, and I've traveled all over Canada from north to south. Now, I think we have to ask ourselves: how did this remarkable quality of life come to be? I think we recognize that obviously our natural resources had something to do with it, but there are countries equally endowed who have not had our success. We also know that there are other countries without significant natural resources, such as Denmark, Switzerland, and Japan, that have highly rated qualities of life.

I believe the success we've had in Canada is due in large part to the relative freedoms of our political system. That isn't to say that our political institutions don't need to change. I think there is some considerable consensus that we do need to change. But what I would like to say is that despite this consensus for the need to change, we have to recognize that whatever change we have has to be evolutionary rather than revolutionary. If we expect to have a revolutionary kind of change, it simply is not going to work. We've got to keep this thing in some kind of perspective. Now, within that context I think there is some consensus, and I've heard it here today, that we have the need for less government. I can suggest a couple of things that might work very well. I think we could regionalize into four or five regions of approximately equal size, and that way we could have a better balanced political system. I don't expect that to happen overnight, and that would have to happen through negotiation.

4:08

Like other people before you – and you've probably heard this every day you've been here – I also think we have too much government. We have too much government, too many bureaucrats, too many politicians. Now, that could be cut down substantially and we could still provide the same services. We do not need the kind of levels of government we have in Camrose – three school boards, county and municipal governments, provincial government, and a federal government – to govern 50,000 people. I support the comments of Dr. Wilson relating to Prince Edward Island. We need to have more balanced regions so we have more balanced power.

I think our political system has become too adversarial. Now, I'm not so sure that in the kind of democracy we have we can make it any less adversarial, unless we do so by some kind of consensus with the co-operation of the media. Perhaps it has been no less adversarial than in the past, but we have it front and centre because of TV. So somehow we've got to get a situation where we can have some constructive criticism from opposition without the incredible defensiveness of government whenever government is attacked. Any bureaucrat claimed to have done wrong is protected with all the resources of the government. We can't have that kind of system and expect to get something done. But we still have to have a democratic opposition that can make criticisms without toadying up to the government.

We as Canadians have been recognized as a nation of compromisers, and I think this must continue. I think we have to become more tolerant of each other, especially of the aspirations of Quebec. Now, I'm not asking you to sell the farm to Quebec, and I don't think Quebec is asking us to sell the farm, except for a few extremists. I think we have to recognize the fact – and I agree again with Dr. Wilson – that Quebec is a distinct society of sorts. Their needs are, as we have heard many times, to have protection of the group. You can't protect the group without infringing to some extent on individual rights. But that is the way society works; that's how politics works. You are always balancing the needs of the individual against the needs of the greater society. So I think what we have to do is

recognize that there perhaps is an area where we have to give a little more to Quebec than otherwise might be wished, but we need to educate our population to recognize that that is not an unreasonable request. We need to educate Canadians.

I heard Mr. and Mrs. LeBlanc, and I felt very badly when I heard them because I recognized myself. I'd been educated totally in Alberta. I went through high school, one of the best high schools in Alberta, in Edmonton. When I was going to university, the caretaker in our apartment drove me to university one day. His name was Coté. I said, "What part of Quebec did you come from?" He was very offended. He'd been born and raised in Alberta. I didn't even know we had a French community in Alberta when I was going to university because we had never been taught. I never had the opportunity to learn French in Alberta. I tried to bring French into the school systems here and there's no encouragement. We need to fund teaching of French education. If we're going to do it, we have to do it from the bottom up, not the top down.

I think we need a looser, restructured federation, simpler political institutions, and less government, and I think we can do that without compromising the safety net which has been created and which most Canadians seem to want.

Thank you very much.

MR. CHAIRMAN: Thank you.

Mr. Fielding, do you wish to add something?

MR. FIELDING: Thank you, Mr. Chairman. My remarks are a little bit different from Harry's thrust, but we could perhaps answer some questions later, if you wish.

I'd like to begin my brief remarks by quoting the opening sentence of a book called *The Future of Canadian Federalism*. It goes as follows:

By the beginning of 1964 public debate about the terms on which French and English cultures could continue to co-exist within a single Canadian federal state had become intense.

I quote that just to point out that constitutional tensions have been around for a long time. This was a book which was published in 1964 or 1965, and even at that time there was a serious question as to where our country was going in terms of the constitutional framework we wished to have to govern ourselves. What I take that to mean is that while these tensions have been around for some time, they have not really been resolved. They have not been resolved at all, I might say. They've been exacerbated by some of the events of the last 25 years. The referendum in Quebec in 1980 gave a bit of a respite, but then we've had the failure to agree in a unanimous way on the patriation of the Constitution, the failure of Meech Lake, the rise of populace discontent in Alberta, among other places, as evidenced by the Reform Party.

What can we do about this? Being married to a Swiss woman, I have taken an interest in looking at the Swiss constitutional arrangements. As you probably know, Switzerland has three official languages – German, French, and Italian – four national languages, and a surprising degree of decentralization. One of the most interesting examples of that is the fact that citizenship is not granted by the Swiss central government; it's granted by the local municipal government. Now, that is real decentralization. There are other examples, but basically their cultural and linguistic rights are largely the responsibility of the cantons, which would correspond to our provinces, and they are highly prized in all areas of Switzerland.

What there seems to be is a real desire among most of the people to learn the other official languages. It's become an

important factor in any education a person might have in that country to learn at least one other official language. This is not done by way of legal imposition, and this is where I think a number of people have probably pointed out to you that they feel they have been forced or there's been an imposition of French and so on. But I think we can't go too far with this. There is an educative function, I believe, in language laws which helps to encourage the development of a degree of communication and linguistic duality, which I think is important.

Another example in Switzerland: when they did have some linguistic difficulties, they created a new canton. In essence, a new province was created in the French-speaking area of a German canton – now that canton is largely a French-speaking one, canton du Jura – and that was a way they accommodated themselves. So what you may have to do in decentralizing power is recognize that there are differences among the regions. Quebec is a distinct part of Canada. I think we have to recognize that; we should recognize it.

What we need is to maintain minimum standards. Of course, we can't call ourselves a country if we have a terrible divergence of standards of living and qualities of health care or education among the different areas. But as has been mentioned before, I think this can be addressed in the way of transfer payments. I was happy to hear Mr. Horsman state that there really has been no objection to the principle of transfer payments. So I think we can accommodate regional differences while at the same time preventing terrible disparities among the various regions of the country.

The Constitution can only provide a framework, I believe, for our life in society; it can't provide everything. The only way Canada will stay together is if people want it to stay together, and that is going to happen only if there is respect and a genuine affection among all Canadians from all parts of the country. Tolerance is fine as far as it goes, but I don't think it's enough. It's not enough to say, "You stay out of my way and I'll stay out of your way." That's not enough, I would suggest, to have a thriving country.

4:18

What we need is more exchanges, and I would hope that in some way ways could be found, both publicly and privately, to encourage exchanges on a personal level so we can get to know one another. We can travel. Obviously one of the things in Europe which is easier is that you travel for an hour and you're in another country or in another language area. We have to work harder at it, but I think we can do it. We've had some exchanges from Quebec. We've had exchanges the other way. This is the way to create understanding and respect.

Thank you.

MR. CHAIRMAN: Thank you. Your timing was precise and right with the bell. I think you made some interesting comments, and I know there will be questions.

Yolande Gagnon, Jack Ady.

MRS. GAGNON: Thank you. I was interested in your comment, Harry, when you said you didn't even know there were French people here. I was born here. I won't tell you how long ago. A lot of people have said to me, "When did you come from Quebec" or "Why don't you go back." I spent only two weeks there in my whole life. In any case, I found your presentation very generous. There's a generosity of spirit which is heartwarming, I think, for us to hear. It's constructive.

I'd like to ask you about the powers, maybe the need for decentralized powers with some kind of federal mechanism to make sure everything is working. It's not something we've heard that often, and I wonder if each of you, without getting that specific, would like to try and tell us which things would make more sense to be a power within the jurisdiction of a provincial or maybe even a municipal level.

MR. GAEDE: Well, the power structure I see that's causing a problem is the disparity between the power of the large provinces, Quebec and Ontario, and the smaller provinces. I think perhaps it may well be, in the near future anyway, that we're not going to have parties that are representative of the whole of the country anymore. That may well be what is happening, especially if we become more decentralized, and it may be that we can then make the compromises and necessary accommodations if the various groups are more or less of equal power. I think this is the real problem. We could have a region, say, of B.C., a region of perhaps Alberta and Saskatchewan, a region of Manitoba and northern Ontario; break up Ontario. Quebec maybe would have to be broken up into two parts and the maritimes one part. Now, I'm not saying it has to be this way. All I'm saying is that we need some kind of mechanism where the voting power of the regions is more balanced than it is now.

MR. FIELDING: If I could just respond briefly to that. With respect to powers, I think the present provincial powers we have are certainly a good place to start. One thing I meant to mention and forgot is that perhaps some provinces would want more powers than others, and I think this would be just fine. For example, if Quebec wanted more power over immigration, that doesn't bother me. It may be that the maritimes or other provinces would have less interest in those powers, bearing in mind that when a province or a region wants more powers, they've got to be able to pay for them; they have to be able to provide the services and the infrastructure to provide them. So why can't we be more flexible in terms of powers? If some provinces want certain powers and others don't and want the federal government to handle those areas, I think that should be possible.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Jack.

MR. ADY: Yes. Harry, in your comments you talked about some of the levels of government we have right here in our province, specifically right here in your own city. You have three school boards, a county, a city council, a provincial and a federal government.

MR. GAEDE: Each with its own bureaucracy.

MR. ADY: Yes; all right. Which of those would you see eliminated? Would you see the school boards being merged into the county and then the county being merged into a joint government with the city, something along that line? What do you really . . .

MR. GAEDE: Perhaps. I think what we'd have to do is go to the people. The fact is that I don't think we can justify a structure where we have - I'm not sure exactly with school boards; I think it's something like 143 school boards. That's insanity, in my opinion. We need regional representation: rural

school boards, city school boards. Basically, Calgary and Edmonton school boards cover most of the students in the province and the rest of the school boards have the rest. I mean, that's too many school boards. So I think you would want separate school boards, but instead of 143 you could have maybe 10 or 12. Similarly for the county. Maybe we have to join the city and county together. I think there are other ways of balancing it. Why do we have to have two sets of bureaucracies: a county office, a city office, et cetera?

MR. ADY: On the suggestion you made about regions, would you see the provinces as we know them being done away with and a regional government, or would you see the provinces gathering together to form a region and maintain their identity as provinces?

MR. GAEDE: Well, at least to start with, I think we would have provinces coming together, because we have to remember that we have to start from where we are. We don't have the power to start all over and set a new political Constitution. What we'll have to do is negotiate some kind of deal that works. I mean, the only reason the provinces would go together is because it works better than the old system. So what I'm proposing is negotiating something that works better than what we have now, and that's why I suggested the incremental approach. It may be tough, it may take a long time, and we should not be impatient.

MR. CHAIRMAN: One question I have for both of you is on the subject of the reform of the Senate. Do you have a position?

MR. GAEDE: I think we've got to replace it with something else. If we had a more balanced government system like I suggested, and we have a written Constitution, I think we can work without a Senate.

MR. FIELDING: Well, I think presently it's intolerable that we have a Senate that can hold up the properly passed legislation of the House of Commons. That is just totally unacceptable. We've almost had a constitutional crisis on at least two issues in the last couple of years relating to this. I hope we can somehow get Senate reform back on the front burner, because we need to definitely reform it.

MR. CHAIRMAN: I was intrigued by your comments about Switzerland. The Swiss ambassador was in Alberta a short while ago and we were talking about federations. He made a comment to me that looking at the Canadian structure, it looked very good to him. I said, "Gee, everything I've been hearing about Switzerland is that it looks very good to Canadians." So it's interesting. We both came to the conclusion that the grass is always greener on the other side of the fence.

MR. FIELDING: It's always greener; that's right.

MR. CHAIRMAN: Bob Hawkesworth.

MR. HAWKESWORTH: Just one question, Mr. Fielding. I appreciate, as Yolande has mentioned, the sort of spirit you've brought here this afternoon. You've also brought an idea that I haven't heard too many people express yet, and that is the concept that under our federation Quebec might have more powers than the other provinces. To protect what they see as

their vital interests, would you say? I wonder if you could maybe expand on that a little bit more. You mentioned immigration, but this one's fraught with difficulty and also may be the key to unlocking the problem we've got in the country. I'm wondering if you could just take a minute to expand a little bit on this division of powers where Quebec might have something other provinces might not have.

MR. FIELDING: Yeah. I would like to suggest that maybe we should get rid of the bogeyman of saying that if one province has more powers than another, somehow they're better or they're more important - your initial reaction: if they have that power, why can't I? But the fact is that certain provinces are more interested in certain areas than others, and I think immigration is very important to Quebec. Why not let them have more jurisdiction over those areas? I would see us starting from a situation where almost everything is up for discussion and let's see what the various provinces want. Now, I agree there are bound to be difficulties, but at least let's discuss it. Let's not just reject out of hand the idea that every province has to be exactly the same or reject the idea that no province can have any more powers than the others. If a certain province, Alberta, wants to have more jurisdiction in a certain area, why shouldn't it be able to do so, having in mind the fact that they would also have to administer it and pay for it? Now, I guess the answer to that might be, then, that that effectively excludes the poorer provinces from expanding their jurisdictions, but surely it could be a matter of negotiations. Again, for basic services we have the mechanism of transfer payments available.

4:28

MR. HAWKESWORTH: Maybe I could just ask a supplementary then. We're trying to recognize what Quebec is saying are their vital interests in preserving, I guess, the French fact in North America. I think Alberta could make a strong case in terms of their vital interest, protecting the ability to develop natural resources. Would you think that if we quid pro quo, maybe Quebec could look after its language and culture if Alberta could be exempt from federal interference in using environmental legislation to limit Alberta's ability to develop its natural resources? Not that I'm advocating this; I'm sort of opening up very much a hypothetical here just for reaction from you to see if I understand what you're saying and if there's some way to avoid some of the difficulties that might come from the proposal.

MR. FIELDING: Well, I suppose in practical terms that might happen. If you start getting into a bargaining session, Alberta might say, "Look, I'll support you on this if you'll support us on something else." I suppose that's inevitable. I wouldn't like to see it put on the base of a quid pro quo. Rather, I would like to see it that every province should be able to say what their interests are - what do we want? - and try and find a way of accommodating that.

MR. CHAIRMAN: Well, thank you both very much for your presentations and for reminding us all at the outset of your comments, Harry, that we have it pretty good in this country and must have done something right getting where we are.

We have four additional presenters. Ray Reid, first of all. Go ahead.

MR. REID: Who am I?

MR. CHAIRMAN: Your name's Ray Reid.

MR. REID: You're right. What am I? I am a soul with a body and a mind. What am I doing? I am learning and growing. What am I learning about? I am learning about the things that create limitations within my life, my fears. What do I need? I need a safe place to address and deal with my fears. What are fears? Fears are perceptions of threat to my life, language, gender, race, family, faith, and right to speak without censorship on any of these subjects.

How do I make Alberta and Canada safe? Firstly, I would deal with democracy. What we have now is party politics. Party politics is a sham on democracy. How do we deal with it? Make the representatives responsible to the constituents and give the constituents recourse. If that representative does not vote in accordance with the majority of his constituency, turf him. How do constituents learn what is best? Freedom of information. Allow the information of government to be heard and known outside the caucus. Take away the fears of secretiveness. Make our government open and responsible to us. Thirdly, eliminate victims. Create an awareness of how individuals are responsible for their own plight. The only victims are those people who refuse to recognize that they have created their own reality.

I'd like to address taxation. From what I've seen of it, the GST is the best tax they've ever come up with. Why? Because it's fair. If you spend it, you pay, and if you don't spend it, you can accumulate. The income tax system as we have it now is a shambles and it's a sham. People who are making \$40,000 or less are in this bracket, and once they've hit the wall of \$40,000 they quit. I can give you an example. I have a friend. When the census taker came to his door, he said, "What do you do?" He replied, "I'm a part-time doctor." The guy laughed at him. He said, "What do you mean, you're a part-time doctor?" "Well, I'm a part-time doctor." He said, "Yeah. Come on now. What are you really?" He said, "I'm a part-time doctor." "What's a part-time doctor?" "Well, I fill in for other doctors, and when I reach \$40,000 a year, I'm not a doctor anymore; I quit." Our whole society quits when they reach that wall because there is discrimination against making more money. We have a tendency to tax the people who are the most productive in our world unfairly and to give the people who are the slackers the greatest breaks. We deny them the right to create their own reality through a taxation structure called income tax.

Now, let's take a look at the Bank Act. We've been talking about interest rates and how interest rates have to be used to control inflation. I remember a time when they used the amount of money you had in your jeans to control inflation, and they would change the amount that was able to be borrowed against a project. In other words, if the economy was starting to run away, they increased the amount of cash down. At that time it was illegal and usurious to charge over 8 percent interest.

Let's take a look at multiculturalism or bilingualism and biculturalism. It was put into effect with a very good premise in mind. What it did was exacerbate the problem because it stressed the differences. Believe me, when I have a friend, my friend and I have something in common. Unless we begin to acknowledge what we have in common with other races, with other languages, with other people, we're going to exacerbate the fears that we need to learn about. When we start to recognize that the French fears are the same as the English fears, Alberta fears are the same as P.E.I. fears, those are things in common. Those are things that we need to find safe to deal with.

4:38

It doesn't matter what my race is, my gender is, my political bent is, my technological advancement is. When government tries to legislate safety, it eliminates my ability to grow. I noticed the message on the pen I picked up outside that I was writing some notes with. It says Safety: It's up to You. Fine. Make the people of this country responsible. That's spelled r-e-s-p-o-n-s-i-b-l-e. Make it possible for the people of this country to be heard and to have power so that they can once again believe that they do make a difference, so they will once again come out and vote. Right now we're experiencing in the country a belief that you have no power, so why bother? Your only charge as governing peoples is to make this country safe for me to address my fears.

MR. CHAIRMAN: Thank you, Ray. Are there questions?
Yes, Gary Severtson.

MR. SEVERTSON: Yes. Mr. Reid, you were referring to the lack of democracy, that the governments, no matter who they are, don't respond to people and what they want to be done. Then you went on to say that the GST is the most fair tax that has ever been put in. If you used your logic and ran government by polls, that tax would never have been in. I would say that the majority of Canadians were against the GST. If they had listened to what the people said, then the GST wouldn't be in and they wouldn't have what you said is this fairest tax.

MR. REID: Is it possible that if the government had listened to the people, we might have had a better tax? There's always something better.

MR. SEVERTSON: Well, I'm not saying that I agree with the GST or disagree; I just was referring to your opening line: listen to the people. I would say that the vast majority of people said, "No, we're not for the GST." Therefore, it wouldn't have been there, and therefore you wouldn't have had that.

MR. REID: That's true, Mr. Severtson. The majority of people did say no, and the government put it through. What I'm saying is that from my perspective, the GST is the fairest form of tax. That was my perspective. However, I'm not denying the fact that with further discussion there could be something better.

MR. SEVERTSON: One more supplementary. How do elected people evaluate who the majority is that's speaking? In some clear cases like the GST it's not hard, but in my constituency there's an awful lot of issues where there's not a clear consensus for or against something.

MR. REID: It may be that further discussion of those issues would bring about a fair consensus. It may be that by sitting down with all of our people, or all of those who are interested in creating their own reality, we would end up with a far better forum than we have presently. We need more input. From my perspective what is necessary is that the people need to believe that they make a difference. This forum is an honest attempt, I believe. It's too bad that so many people still have that belief that they don't make a difference.

MR. CHAIRMAN: Any other questions or comments?

Well, listen; thank you very much for coming forward and stating your views so forthrightly. Hopefully, as you say, we can perhaps do more of this type of thing, go around the province

and get the points of view of Albertans. I appreciate your coming. Thank you.

Valorie Forsen.

MRS. FORSEN: I've waited a long time for this.

MR. CHAIRMAN: Your patience is noted.

MRS. FORSEN: Yes. I thank you for having me here. Mr. Chairman, hon. panel members, and fellow Canadians, you wanted to hear from average Albertans, and I'm about as average as you're going to get. So you'll have to put up with my mistakes, but I hope to get across my feelings and possibly the feelings of quite a few others that I've talked to. I've tried to write it down as best I could. I started out with a seven-page brief. With the few notes I've written down today, it ended up to be 11. So bear with me, and hear me through, if you don't mind.

I would like to thank you for this opportunity to speak and to express my feelings and the reasons for wanting our Canada to remain united and the land of the free, for which all of us are paying much too dearly at the present time, I believe. We just have never had the right to speak for ourselves before, and I do really cherish this opportunity.

Besides being taxed to death every which way you turn, they still say we have a deficit to recover. Our forefathers left us with this debt, and we hope to pay it off so that our children and our grandchildren will not be left with the mistake our grandparents made. As said in the American Constitution, "All men are created equal." No one is better than the next, regardless of colour or religion. We are all working towards the same goal: to keep this country of ours together and a home for the brave and free, all of us one and one for all, one Canada.

On Constitution and discrimination, approximately word for word a quote from former Premier Ernest Manning: everyone who ever came to Canada, no matter from what country, became bilingual. Besides their own language they had to learn English. Why, then, should they be told that they had to learn French in order to be eligible for a position with the government?

We are all, from the time we are born, bilingual. I have tried to learn from my many friends their different beliefs and religions, rituals. We all have our own religion and culture that we were handed down from our ancestors. As Canadians we still believe this is a free country, and we are all safe in believing that we can do as we please in our own homes without having our neighbours say that we should not be allowed to follow our own beliefs. I still believe in the Queen, and if you'd like to look at my shirt, I still believe in the symbols of Canada and the RCMP hat, which is not a turban as far as I'm concerned. I'll come to that later. I still believe in what I was brought up to think represented Canada.

Now, let me get back to what I had written down here. We all have our cultures that we were handed down from our ancestors, but as Canadians we still believe this is a free country and we are safe in believing we can do what we please. I still believe in the Queen, the RCMP, and, to a point, even in government. We were taught as children to salute the Canadian flag, be it the Union Jack or now the new Maple Leaf. May we stand united. As for the RCMP, they were always known for their red tunic and the brimmed hat. Why change now? They're recognized worldwide, and that was always a symbol of Canada. With the RCMP Musical Ride I believe that we've gone through American cities, wherever, and they recognize the

uniform as being Canadian. I'd like to keep it that way. It's been brought down since I've been to school anyway.

4-48

From long conversations with my many friends I still believe the only true Canadians are the ones that were here when all of our ancestors arrived at the borders of Newfoundland or Nova Scotia when Canada was discovered. The aboriginal people, I believe, are the ones really being discriminated against. From the early days of settlers in Canada to the days they started their march west to open up this new country of ours, the aboriginal people were just pushed out of the way so that our grandfathers could start their homesteads in this new promised land. They found their way west and settled in their new country with the hope and the prayers that their children and future grandchildren would live in a country of the brave and free, a freedom to express their desires and the dreams for our children and those yet to follow.

From the very beginning the native Canadians, might they be Metis, Blackfoot, Cree, or whatever tribe, were pushed back or aside to make room for the new Canadians that moved west to claim part of the new land. Soon it was the government from either Upper or Lower Canada that decided the natives should be allowed to keep only so much of the land that belonged to them before the settlers came. They were pushed back further and further. We were the ones who took their land, and then we told them that they could only have so much, today known as reservations. They were not allowed off of this so-called property of theirs without some form of hatred and discrimination felt against them. They were stereotyped as being native. They were thought to be redskins and mostly drunken natives.

In my half a century in being a true Canadian, born and bred here, I have had many friends of many different nationalities, but the native friends I have I still believe are my truest friends. There are many so-called white people that would sooner stab you in the back to further their positions than shake your hand and be friends. My native friends are real. We have always been able to discuss problems and work them out together rather than lose friends over some silly matter. Most of them, whether they're full-blood or half-breed, were still looked upon as Indians. Stereotyping shows them to be drunken, lazy, destructive. If you let them off the reservation, you kept your children at home or else they would have been scalped or raped by these so-called Indians. When they were allowed to come to town shopping, they were taught to buy either vanilla or Lysol and get really drunk up and dangerous.

There was a strip in the city where most of them gathered and felt safe in each other's company. The strip, as it was called, had what we considered the most distasteful type of people who lived or moved in that area. It had drunks, prostitutes, criminals, or just the rubby type of person. When you drove down the street in that area, you drove very carefully and with your doors locked at all times. If you needed help with finding an address or a business in that area, you rolled down your window very little, asked for the directions, got your information, and left.

To this very day I still consider the native to be the only true Canadian. We should ask their permission of what to do with this country. It belonged to them first. We came, stole their land, made them settle on reservations, and only allowed them certain privileges. They have every reason to feel that they are the ones being discriminated against. In as many meetings the aboriginal people have had with government, they are still not allowed a position in Canada's future because of what our forefathers did to them from the beginning of this country of

ours. They, too, are told that they have to be bilingual, which they already are.

We are still told that we have to learn French in order to be able to get a job with the government of this country. We are all bilingual from the time we are born. Then why should we have to be trilingual just because someone in Quebec decided that we should? If they are not happy with their life here in Canada, if they cannot live with the same rules as all other Canadians, then they should leave Quebec right where it's at, because it is part of this country. They can always go back to where their ancestors came from and leave room for the many people who want to come and live in this country of the brave and the free.

Long live Canadians and our many different cultures, each to their own religion and beliefs but with one goal in mind: a united Canada.

I thank you.

MR. CHAIRMAN: Thank you very much, Valorie. Are there questions someone would like to pose? We appreciate you being patient and waiting to give us your views.

MRS. FORSEN: There is one more brief that I have written here. I've handed it out to most of you, but I have one extra copy if there's anyone that doesn't have one. I won't be allowed to present both, but I would like you to read it.

MR. CHAIRMAN: Yes. Well, that relates not to the constitutional issue.

MRS. FORSEN: Not to the Constitution, but I still would like you to read it.

MR. CHAIRMAN: Oh, yes. Well, I've already glanced through it, and I appreciate that very much.

MRS. FORSEN: Thank you very much for hearing me out.

MR. CHAIRMAN: Russell Whitson.

MR. WHITSON: Thank you, Mr. Chairman. I would like to first say a few words regarding where I came from and whatnot. I was born here in Alberta some 77 years ago. My parents settled in Alberta and homesteaded before Alberta became a province, while it was still the territories. I have spent most of my life as a rancher in the general area.

Having served in the Alberta Legislature some 35 years ago and having served on school divisional boards before and during my time in the Legislature, the difference between the way the two bodies operated was vast. On the divisional board each member represented their constituency only. All members had an equal voice. The decisions were made after careful examination as to the value of the project being discussed and its cost to the taxpayers. Each member of the board had equal opportunity to put forward their views on each matter being discussed and to vote according to his or her view on which was best for the division as a whole and fair to his constituency. There were no parties and therefore no party pressure.

In the Legislature things were vastly different, where party discipline required one to vote as the party voted and nearly all decisions were made in secret in the party caucus. Any matter brought forward by the governing party was opposed by the opposition parties and vice versa, not because the proposal was not good but that the proposal came from a different party. I

found it very frustrating in comparison with sitting on a school divisional board, where we sat around the table, discussed all issues. I was unconcerned about one person's politics; we concerned ourselves with the question being considered.

Having followed the House of Commons' proceedings in Ottawa, I truly believe the party system has become much more rigid in the last 20 years. At the present time party members may select a candidate for the constituency by way of a nominating convention, yet the candidate selected cannot run unless the leader of the party signs his or her nomination papers. This requirement indicates that the leader of the party does not place much faith in the ability of his party members in the constituency to choose a person to represent them in the House of Commons. It does indicate as well that the person is no longer responsible to the voters but to the party leader. In the event that the party forms the government and the leader becomes Prime Minister, it is he or she who appoints the cabinet or other officials as well as new members of the Senate, who would be beholden to him for the life of the mandate.

4:58

It would appear that instead of the members of the House of Commons being responsible to their voters, they are only responsible to their leader or the Prime Minister, indicating that we seem to be moving ever closer to a form of one-person government in that an elected member is not permitted to vote in the House of Commons as he or she prefers or as his or her voters prefer but must vote the way the leader instructs them to. In other words, the member is not controlled at the constituency level but by the party leader.

Now, my remarks, Mr. Chairman, are going to be just on a proposed Senate. In my opinion, by electing the Senate in the following manner, we would be turning a larger part of the final decisions to the voters in the constituency.

Number one, no political parties would be eligible to enter candidates in a Senate election or take part as a party in the candidate's nomination or election.

Number two, a candidate wishing to run for a seat in the Senate must reside in the constituency he or she wishes to represent for at least one year prior to his or her nomination.

Number three, the candidate must obtain at least a certain number of electors residing in each polling district in the constituency to sign his or her nomination papers. In my view this would help ensure that the candidate would become known and would have equal representation throughout the entire constituency. Also, donations toward the candidate's election expenses must be limited to individuals only and shall not exceed \$200 per individual.

Number four is that the voting method be similar to the method used in Alberta provincial elections prior to 1957. That was known as the transferable ballot. If there were more than two candidates standing for election in a constituency, the voter would mark the ballot 1, 2, 3, or 4 in the order of his choice, depending on the number of candidates on the ballot. When the ballots were counted, if no candidate had obtained 50 percent of the vote plus one vote, then the second choices of the lowest candidate's votes would be given to the candidate as the voter had indicated. If a candidate still had not obtained the necessary 50 percent plus one vote, the counting would continue and transfers would be made until a candidate had obtained the required 50 percent plus one vote cast. This method of voting ensures that no candidate is elected with less than 50 percent of the votes cast despite the number of candidates running. Under our present method, when there are more than two

candidates running, there are many members elected with sometimes as low as 30 percent of the votes cast.

Number five is that Senate elections be held on similar dates and in conjunction with the municipal election as conducted in Alberta, every three years. In order to maintain some form of continuity in the Senate, half of the Senate would be up for election each three-year period, meaning that a Senator would be up for election every six years on a fixed date.

Number six, the Senate would elect from among the elected Senators all officers required, including a Speaker of the Senate. Each officer elected would be responsible to the Senate members only, who in turn are representing the voters in their constituency. The Senate body would operate completely separately from the House of Commons. All legislation originating and approved in the House of Commons would be presented to the Senate body for review and final approval. Any legislation from the House of Commons would require 52 percent of the votes cast by the Senators in favour of returning the legislation to the Commons for amendment. Any legislation from the House of Commons would require the 66 percent of votes cast by the Senate in favour of killing the legislation.

The proposed elected Senate, not having party affiliations, would take a broader look at legislation. Those representing agricultural areas or fishing areas or lumber areas or whatever throughout Canada would have a broad look at all of Canada similar, as you'll notice, to the House of Representatives and the Congress in the United States. I've followed it quite closely, and you'll find that parties don't mean too much; they vote in blocs. In the midwest they'll all vote one way for a particular Bill. I think this would carry on in the Senate.

The Senate, I would suggest, would be made up of 100 elected members.

After careful thought, I believe that the nation as a whole would be better served if the country were divided for election of Senators by regions rather than by provinces. There are such large discrepancies in size and population of the 10 provinces and the territories. It would be very difficult to justify the same number of Senators for P.E.I., with such a small land area and small population, as opposed to two provinces like Ontario and Quebec and other larger provinces with much larger populations.

In the last number of years a large percentage of the people of Canada has become disenchanted with the political parties of all stripes. They believe that they have lost much of their control over government action and that too much of government business is done in secret and behind closed doors. No longer can they rely on their MP to deal adequately with their requests, as they believe the decisions are made at the top level and the representatives vote as they are told regardless of the voters' wishes. The proposed Senate, having no political parties involved and having each Senator responsible directly only to the voter in the constituency and not entangled in the party system, will truly be a body of sober second thought on all legislation passed by the House of Commons. An elected Senate should go a long way to restoring faith in those who represent the voter in that body and would probably encourage the party system operating in the House of Commons to relinquish the rigid control over the members that most parties practise.

Thank you.

MR. CHAIRMAN: Thank you very much, Mr. Whitson, for your background. I note you're wearing the symbol of membership in our Legislative Assembly, the Mace. I would just ask you: how many years did you serve in the Alberta Legislature?

MR. WHITSON: Unfortunately or fortunately, five years.

MR. CHAIRMAN: Five years.

MR. WHITSON: That's right.

MR. CHAIRMAN: I daresay you remember those days.

5:08

MR. WHITSON: Yes, and they were a great experience. I don't like to take your time, but I might just add here that I saw such a difference between school division boards, as I said sitting around the table. Really, my greatest satisfaction had to come from the school division board. We had a school division board that was made up of a fairly heavy Ukrainian population in the north half. These youngsters were going to a one-room rural school. They only had to go to grade 7 or 8. We centralized those schools and brought them all in together, and in one generation that difference in nationalities disappeared completely. Also, those youngsters were able to finish grade 12 instead of being tied back on the farm.

MR. CHAIRMAN: Thank you very much for your thoughts on Senate reform. As you might expect, we've been getting a great deal of support for the concept of reforming the Senate. Not everybody agrees on all the details, but certainly it's been mentioned quite often during the last four days of our public hearings.

MR. HAWKESWORTH: Just one brief question, Mr. Chairman. You made the comment, Mr. Whitson, that people feel they've lost control over government. Do you feel that that's the legacy of the GST debate, or is there something more that goes beyond the GST?

MR. WHITSON: I think, sir, that I would have to go back, as I said here, 20 years, it seems to be. I'll have to go back and say that I believe that it started to some degree with Mr. Trudeau, and it has continued on. He was a strong man, and our present Prime Minister carried on in the same way. You know, they seem to have made the decision. Prior to that, under Mr. Pearson, it was much different. I'm not blaming those people, but as a result many of the general public are really disenchanting.

MR. CHAIRMAN: Thank you very much for coming forward. It's been an interesting conversation.

MR. WHITSON: Thank you very much for allowing me to.

MR. CHAIRMAN: A pleasure.

Dr. and Mrs. Nattress. This is our last presentation for the afternoon. We welcome you, and I note that you were with us yesterday in Lloydminster. You must be very interested.

DR. NATTRESS: Mr. Chairman, panel members, and other ladies and gentlemen, we thank you for the privilege of presenting our opinions. We are Marge and Ron Nattress from Lloydminster. We were present yesterday, and after listening, we got some idea of what the meetings were about and decided we'd come today and listen and maybe express a few of our opinions. We appreciate what many of the other speakers have said, particularly the remarks of Douglas Russell of Red Deer, with whom I completely concur.

Marge is a nurse, and I'm a doctor. I recently retired after 40 years of practice in Lloydminster, and subsequently we spent two months this winter in Lesotho, Africa, as volunteer medical relief at a one-doctor, 40-bed hospital, which serves 45,000 poverty stricken people. The husbands of these families work mainly in the South African mines. I outline this only to try to demonstrate that we, like you, are here with a common interest: to try and help get the best arrangements possible for people provincially, nationally, and globally. Marge has said she would just as soon say something at the end, so she will have the last word. I'll be very brief. I'm going to just give some points in point form. I think quite a few of them may have been covered initially. I'll touch on a few of these ideas.

Firstly, I believe deficit financing is dishonest when it reaches certain levels where there is no easy possibility of repayment, and as such it needs to be illegal in our Constitution. I oppose the divisiveness of government support of multiculturalism and the impracticality of encouraging self-government for ethnic groups, for example the natives. Thirdly, I believe the Charter of Rights is far too broad and has resulted in making our justice system too slow and very expensive and has produced detrimental effects which outweigh the good features. I enjoy Canada as an officially bilingual country but with little or no government or legal interference that requires bilingualism. Let common sense rule in local areas.

The natives are crying out for help. They're unhappy with their life-styles, and they believe that discrimination by us is their problem. In my medical experience their largest problem is discrimination within their families, not discrimination by new Canadians. They hold each other back. They have the cultural viewpoint that what belongs to one member of the family belongs to all. This is a very difficult thing for them to live with. These are cultural features which we are mistakenly trying to preserve.

Regarding land claims, I believe we have to settle them. We made these promises. They may not be as entirely applicable today as at the time when they were made, and some consideration will have to be given to this. But I think the native people have to help themselves before we can help them. I think anybody has to start helping themselves, or there's no chance of helping them. Your best efforts will go down the drain.

As Canadians I think the time came in the treaties when there was a division of land, and at some point this land - I don't know whether you'll agree with this idea, but I'm going to just set it out anyway - was owned by the new settlers and owned by the natives. When the new settlers sold their land, this money that was taken was used for the benefit of Canadians. We all paid for our land, and that was used for the benefit of natives as well as the new Canadians. I think some consideration should be given to the natives as Canadians, and when they have their land title settlements, they should have the privilege of using some of that money for Canada as well as for themselves.

I'd also like to just mention that the spending promises of government in seeking election are a very difficult thing. When we want to meet our debts and at the same time be re-elected, we come across a situation where both features are at odds with each other. I won't say more about that.

So to recap our suggestions for Alberta for constitutional reform, we would recommend a balanced budget by incorporating in the Constitution the illegality of deficit financing - and by a balanced budget I would include the rapid repayment of principal and interest on debt - and that we recognize in the Constitution that government maintenance and promotion of multiculturalism is divisive for Canada and that a meld would

better promote more harmony. Families will pass along cultures, not governments.

That the government rework the Charter of Rights: it is far too broad. Among other things it has firstly resulted in a great legal backlog with release of untried criminals due to time limitations. It has given minorities a protected position from which to force their life-styles and beliefs and wishes on the majority. The meaning and power of minority rights has been misapplied in the courts in my opinion. It has given a false idea of what are rights and what are merely desirable situations. For example, equal pay and nonabusive treatment of women are obvious rights, but free medical treatment, which is now perceived as a right, is desirable but not basic, as is the privilege of bilingual school tuition in all areas. I don't think that's a right, but it's possibly desirable.

My next point is that we have unforced bilingualism and, lastly, that we treat natives as Canadians. They can be helped when they help themselves but probably not before.

Thank you very much.

I'll give it over to Marge to say her remarks.

5:18

MRS. NATTRESS: First of all, I'd like to thank you for coming. I'd like to congratulate you because of your statesman-like activities: all different political parties co-operating and all showing great respect for the presenters.

I really do think that we have a wonderful country. When we were away, we were very proud of Canada once again peace keeping, and we would like to keep that as one of the basic things Canadians do, including our feelings toward Quebec. We need to be tolerant; we need to help others.

I really feel that we've protected many rights. That's what government does: it protects the rights of us to have pure food. The reason I'm saying this is because I think we also now have to have protection for our weaker, younger children, our families, against evil. We've allowed Satanism, for instance. There should definitely be a law to prohibit Satanism. Our country was founded on Christian principles. I know you start your Legislative Assembly with a prayer. I know they do the same in the federal government. We shouldn't allow someone who does not want to be a Christian to not allow prayers in our schools, for instance. We've allowed a lot of pornography to come into our society. Children in Lloydminster don't have as many things to do as they do in some other places. They're watching MuchMusic; they're watching Madonna. They're watching things that I don't even want to mention. I think we also have to think about this as part of our society. Canadians are decent, wonderful people, and we want our youth to be the same way. A statistic I heard today was just horrible. I can't remember it, but I think it said that we have 70 percent more convictions than we had last year, and the majority of them are youths who are breaking into places. I'm not sure of those things, but I think we owe it to our founders, our grandparents, our children, and future generations, to keep Canada a decent place and free.

Thank you for coming.

MR. CHAIRMAN: Thank you both very much for giving us your frank and thoughtful views. Are there questions or comments anyone would like to make?

Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. I'd just like to ask, Dr. Nattress, if you've given some thought to the

implications of making deficit financing illegal. Here in Alberta in 1985-86, I guess it was, when world energy prices dropped from somewhere in the mid-\$20 per barrel down to as low as something like \$10 per barrel, I think, our Provincial Treasurer ran up a \$4 billion deficit that year. In the Legislature I've made some partisan comments about all of that. If our Constitution made deficit financing illegal, in what kind of position would that have put Dick Johnston or any other Provincial Treasurer in Alberta at the time? I mean, would you acknowledge that there are numerous circumstances when a government may have no option but to incur a deficit?

DR. NATTRESS: Yes, I would acknowledge that there may be times that require a change in planning. But what I was thinking of was that planned deficit financing - to get us into a situation where we have no chance of paying our debts - isn't a direction in which governments should go.

MR. HAWKESWORTH: So it's not so much deficit financing per se but that once it gets beyond the ability to manage, like getting into a mortgage that you simply don't have the income to support or something like that, at some point your debt becomes too overwhelming to manage. You're more concerned about that.

DR. NATTRESS: I would say there would have to be some limit. I don't know what the limit is.

MR. HAWKESWORTH: Okay, I appreciate that. Thank you.

MR. CHAIRMAN: Thank you very much.
Yolande Gagnon.

MRS. GAGNON: Yes. I won't be long. It's been a long afternoon for everyone.

I'm interested in your comment about education and the fact that we should continue to at least have the Lord's Prayer in a Christian society. Now, I have been contacted by people who feel that their children going to a public school should be free from religion and any type of religious practice and that that is their right as Canadian citizens. So we're dealing with a balancing act all of the time and all of these competing interests. When I say that the majority of the people in this certain area are Christian and are in a public school and feel that that is their right, the person indicates back to me, "Well, then you have a tyranny of the majority." How would you suggest one handle that kind of thing as regards the schools in a pluralistic society like we have?

MRS. NATTRESS: I think that maybe we have to take an ethical approach. Maybe that's all we can do. But at the moment I think we should take a Christian approach.

MR. CHAIRMAN: Thank you very much for your thoughtful presentation. We're now going to adjourn this panel of the select committee until 7 o'clock, when we'll resume in this room. The members of the panel are going to stretch their legs and have a bite to eat.

Thank you very much for joining us.

[The committee adjourned at 5:25 p.m.]

