

1:05 p.m.

Wednesday, September 11, 1991

[Chairman: Mr. Horsman]

MR. CHAIRMAN: May I have the attention of everyone, please? We have a tight timetable, in a sense, this afternoon, with a number of presenters and the pressing necessity for us to depart at 5 o'clock. So I'll be very brief in our introductions. For those of you who weren't here this morning, I'm Jim Horsman. I'm the Member of the Legislative Assembly for Medicine Hat, and I'm the chairman of this select special committee of the Alberta Legislature looking into the constitutional position that Alberta should be taking as we move through this new constitutional phase in Canada's history.

MR. CHIVERS: Barrie Chivers, MLA, Edmonton-Strathcona.

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

MS BETKOWSKI: Nancy Betkowski, MLA for Edmonton-Glenora.

MR. ANDERSON: Dennis Anderson from Calgary-Currie.

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

MR. SEVERTSON: Gary Severtson, Innisfail.

MR. CHAIRMAN: On my left is Garry Pocock, who is the secretary of the committee, and we're delighted that Ty Lund, the Member of the Legislative Assembly for Rocky Mountain House, is also able to join us. He'll be speaking to us briefly later as well.

Andy Fitzel is here. Good. We're pleased to have you with us. Just have a seat, and give us your views.

MR. FITZEL: Okay. Well, you know my name already. I'm an owner/operator of an oil field service company here in Rocky. I've been here five years now, my family and I.

The first thing I'd like to touch on is the aboriginal issue. I think the aboriginals should have self-government. It should be implemented with the people being accountable for their affairs such as social and financial policies, but they should be treated like a provincial town: an R/M type of government basically, with expenses being shared provincially, the R/M putting in their part, and this type of thing.

Is this sort of a round the table thing? I wasn't here this morning.

MR. CHAIRMAN: Okay. Well, actually what we have is that you have about 15 minutes in total. We prefer people to just sort of go through their entire presentation, and then we'll come in and ask you some questions or make some comments.

MR. FITZEL: Okay; that's great.

The one thing I'm concerned with on the native issue is that I realize that treaties have been signed and all this good stuff, but when these treaties were signed, the natives were hunting with bows and arrows, right? So it's very difficult to manage our wildlife nowadays. There are some real atrocities happening out west here; there are major slaughters going on. So I don't know. I think we should do something about that. I hate to renege on

treaties, contracts that are signed or whatever, but something has to be done about it. Maybe put them back down in with bow and arrows or something. I don't know, but something has to be done about that. They should be allowed to hunt on their reserves, for all it's worth, but other than that, I think they should go with what the majority is doing: they have to get their certificates in draws, and they're only allowed to hunt like everyone else.

Next I'd like to go to Quebec. I don't think they deserve any distinctive status, because if they're not proud or confident enough to maintain their cultural heredity, then it's a weak nation to start with. The Ukrainians were discriminated against, alienated, and were basically picked on when they first moved here. They've now created their own proud and distinct cultural identity here at no expense to Canada, whereas Quebec is looking for giveaways or - I don't know what they want exactly. If they were to separate, I think they should be forced to take their share of the capital debt. I'm sure they've contributed to that. All other federal assets should be paid for by them since we are a multicultural society, other than the natives. They do deserve a little extra than what the rest of us have; they're about the only ones who deserve a special status.

There's one subject I don't think I'm going to bring up now after I talked to this other fellow. I think we have to simplify our taxes much more than they are now. It's getting totally ridiculous. There seem to be more people collecting it than paying it anymore. Our deficit has to be taken care of. I don't care if I have to lower my standard of living a certain amount, even drastically as far as that goes. We have to get rid of it; otherwise, we're all going to be in poverty and nobody will pay anybody's wages. But it has to be done through a fairer taxation system.

I kind of screwed my notes up here because of this other buddy. Anyway, we'll get to the GST. I think the GST should be more extensive and cover food as well as everything else, but then it's got to be on a fairer basis as well. I think businesses should get a percentage or something for collecting the tax, because we've become tax collectors. I'm a businessperson, right? Everybody else is getting paid for collecting their GST or their job, so we should get something out of it as well. One possibility might be to eliminate the personal taxation system and possibly raise the GST to a higher value. I think it would be a lot fairer, as the people who spend more are going to pay more.

I've just got a couple of other subjects to hit on here. I think we should be told more about our free trade. Nobody seems to be telling us anything, like what is free now. Maybe we should implement something as you cross the border. Maybe we'd get a pamphlet - this is free now; you can come across the border and vice versa; you can go either way with these goods or other goods - so that we know, and maybe more media attention on it. Nobody's telling us what is free. I was down in the States last year, and I bought a bunch of sporting goods. I was careful; \$100 is all you're allowed, so I came back with \$100 worth. I got there, and they said, "Oh, this is all duty free now." Well, thanks a lot.

There should be a lot more public input into our decisions nowadays. You guys are making our decisions, but do you really know what we want? With the technical and communication advances we have today - toll-free numbers and all this stuff - it shouldn't be too difficult to get our ideas. We can let you know what we want, which is basically our democratic system.

That's about all I have for notes.

1:15

MR. CHAIRMAN: Well, thank you very much, Andy. Your comments with respect to aboriginal peoples are of great interest, because certainly that is a factor that's being widely debated and discussed now in Canada. We've had a number of people who say they want to see the land claims settled.

MR. FITZEL: Definitely.

MR. CHAIRMAN: We would all like to see that happen. But it isn't the same everywhere in Canada. In Alberta there are very few unsettled land claims, just a few minor ones that have to be dealt with. On the other hand, British Columbia, which is not covered by treaty, has enormous land claims which, because of overlap and so on, cover 110 percent of British Columbia, if you can understand that happening. It's quite different from province to province, and so therefore the challenge is very real to come to grips with how to do it.

MR. FITZEL: I figure you've just got to stand up and draw the line and make a decision. The more you put this stuff off, the more it costs us.

MR. CHAIRMAN: But you are talking about municipal-type self-government.

MR. FITZEL: Exactly.

MR. CHAIRMAN: Nothing beyond that?

MR. FITZEL: Nothing beyond that? Well, you set it up the same as if it were a municipal government, and from there you share. You'd have to cut down on the treaty money, cut it right off, and set them up just as if they were in their own little governments, which is what they want apparently. They'd make their own laws, to a point, which is still controlled by federal law and provincial.

MR. CHAIRMAN: Okay. Well, that's helpful to us to get that, because some people have said self-government and then when we ask them to give us sort of a definition, they're somewhat at a loss. You're much more specific, and it's helpful.

Are there other questions or comments?

Okay. Well, that's very good of you to come forward. Thank you very much. In terms of keeping in touch, you have a Member of the Legislature, Ty Lund, and he has an office too.

MR. FITZEL: Actually, I would like an opinion from you people as to this GST issue.

MR. CHAIRMAN: Well, technically, of course, we're here to talk about constitutional issues. Taxation issues other than how the governments share the ability to tax through the Constitution – it's really not our mandate. As well, the GST is a federal tax entirely. It is not a provincial tax, nor do we share in any of the benefits of that tax.

MR. FITZEL: I realize you guys are MLAs, but this is a constitutional thing which is federal, right?

MR. CHAIRMAN: In the first place, our government has opposed the GST from the outset. We're still in court challenging the constitutionality of that tax as it relates to certain issues. I can't go into the details of that lawsuit because it's too

complicated and it would take too much time, and anyway I don't know all the facts. But in any event . . .

MR. FITZEL: What is provincial here is that your government claims there are no new taxes. Well, that's not necessarily the case, because your basic exemption is going up by 3 percent of inflation minus – and then it's added back on.

MR. CHAIRMAN: Well, that's federal government.

MR. FITZEL: No, that's provincial.

MR. CHAIRMAN: No; I'm sorry. It is federal.

MR. FITZEL: Oh, okay. Sorry.

MR. CHAIRMAN: What the province does in terms of tying into the federal personal income tax situation is that we charge a percentage of that. It varies from province to province, and ours is, I think, at 42 and a half, 44 and a half, or whatever it is now. The federal government then tinkers with these other things. We have to bear the consequences of that tinkering, but we do not make the decision.

That is a legitimate issue, though, if you talk about it in the constitutional context as to whether or not we need a different system, and some people have in fact suggested that, as we heard earlier today. We want to get out of . . . The federal government should not tax directly. Provinces should tax and then send Ottawa some of the money. That would be a complete reversal of the current situation.

MR. FITZEL: Right.

UNIDENTIFIED SPEAKER: Then getting money back.

MR. CHAIRMAN: And get the money back.

Okay. Well, anyway, thank you very much, Andy, for coming forward.

MR. FITZEL: Well, it was nice talking to you all.

MR. CHAIRMAN: Thank you.

Allan Down is going to represent Pastor Cliff Stalwick, who had indicated earlier that he would be coming forward to talk to us.

Welcome, Allan.

MR. DOWN: Greetings. Pastor Cliff Stalwick is the president of the Living Faith Renewal Centre and Bible College in Caroline. He got called to a funeral he had to take quite suddenly, so he asked me to present some of the opinions that he had on the Constitution and what should be enshrined in it. We had very little time to review or expand on what he had to say, so I won't be able to elaborate too much on his points; I'll just read what's down here.

Although there are numerous distinct societies in Canada, none of them shall have any extra powers or rights from all the other citizens of Canada; in other words, rights, powers, and privileges for provinces, regions, areas, and people groups shall be equal in all respects without discrimination and without special favour.

The second point. There shall be distinct definition and differentiation between the areas of jurisdiction and authority between the federal, provincial, and municipal governments to

avoid the present overlap, repetition, duplication of either controls or services. I suppose the best example of that I can think of is the Alameda dam in Saskatchewan, where the federal authorities said, "This is it," and the Saskatchewan government said, "No, it's this." You know the hassle.

Mr. Stalwick wasn't quite sure of the proper terminology to convey the point he wanted to make in regard to – the expression he used was: rule of law not being superseded by any statute or judicial decree. I'm not sure whether I can present his thinking on that either, because I'm a little vague on this. Probably the two points that could explain it a little better would be the fact that we hold these truths to be self-evident. In other words, there are certain truths in the relationship of the citizens of the democracy and their rights and privileges and obligations that do not need to be proven, and the truth can't be undone by statute or by judicial decree. He mentions that the most extreme example in our century is how Hitler used the Reichstag and the German courts to justify and legalize the extinction of a certain group and race of people even though they were bona fide German citizens. That's a bit of history, but maybe it illustrates what he's trying to get at: that the Constitution should be so strong, supported by the army if necessary, to preclude any such action.

The fourth point. We should recognize that the unborn child, regardless of what it is called, is a human being in a stage of development, that human life begins at conception, and that the unborn child has the same rights and protection as after he or she is born. It doesn't have the same rights as an adult, but it should have the same rights when it's what we call one month old. Infanticide and euthanasia are to be considered as the taking of human life. No individual, legalized group, or the state has the right to so take a life and should be subject to conviction and punishment under the Criminal Code, recognizing that all life is precious regardless of how we perceive their value to society. I suppose we've heard stories coming out of Communist China where they regulate their population by choice of the sex of the baby, whether it be allowed to live or die. I'm quite glad that my parents didn't live in Communist China under those conditions. I might not be here today.

1:25

Canada should have English as its official language with provisions for any province, region, area, city, or group to function in a language of their choice. However, they cannot force another province, region, area, or city to use that language. I suppose we could talk for half an hour on that one, but anyway that was his opinion.

The seventh point was that Canada have a triple E Senate with equal representation from each province and territory.

Eight, the Constitution can only be changed, altered, or amended by a national referendum.

MR. CHAIRMAN: Thank you very much, Allan, for bringing forward those views.

MR. DOWN: I've got eight copies of the notes.

MR. CHAIRMAN: Well, thank you very much. We'll make sure that in addition to the eight members who are here today, the other members on another panel will also receive copies of the presentation.

Are there questions or comments for Allan?

I'd like to make just a brief comment. This issue about the rule of law: the point there is one which we had dealt with in

some greater depth yesterday in Peace River by a lady who was concerned about the rule of God, the laws of God not being superseded by the laws of man, and I think this may be the point that the pastor was trying to make here.

MR. DOWN: Yeah, I think there are certain moral laws that we function under too, whether they be religious or otherwise, certain standards of behaviour.

MR. CHAIRMAN: Right. Well, thank you very much. I appreciate you coming forward and representing your pastor.  
Dan Rutledge. Hi.

MR. RUTLEDGE: I'm put down as representing the Rocky Mountain House public library group: not exactly true. When I first heard of the constitutional reform talks, I and several other people initiated a meeting so that people could discuss their situations, which we did. I don't like to say that I represent people, because my views aren't always the same as theirs. We had a very good discussion. There was a good turnout from Rocky Mountain House. We talked over as many of the issues as possible. Of course, we had booked the hall for, I believe, an hour and a half, and it ended up taking four hours. There were a whole lot of questions left unanswered.

The situation with Canada is kind of hard because you're talking about a Constitution. The original Constitution, if I'm correct in my history, was the Magna Carta, or it was one of the originals. It brought together a people that wanted to be together and said: these are your rights and laws; good luck. Nobody went around trying to change the Magna Carta on a weekly basis, but I would imagine it has been interpreted in different ways over the years. With the Constitution of Canada, a Constitution is only as strong or as good as the people that are upholding it. If you try to put in a Constitution that people have to uphold it, it won't be upheld. If you try to pressure a group into upholding it, as we've seen with Quebec and several other provinces, the Indian question, et cetera, the native question in general, you cannot force anyone to go into a Charter agreement.

What we have to do, as has been proven closely in the last year in Russia, is let people decide what they want to do for themselves. It's nice to go out and talk to people, but the U.S.S.R. isn't going out and saying: "Jeez, would you like to stay here? Let's talk about a Constitution." They're saying: "Make up your mind what you want to do. When you've decided that, then come and talk to us and we'll form a union if necessary. Whether it be a monetary union, a close connection, or complete enemies, that's fine, but make up your mind what you're doing." The Quebec question seems to be in the same line. Let them decide what they're doing, because you can't force them and you can't make their decision for them. Let them decide. Once they've decided, then we can go on with constitutional talks, a referendum dealing with what we have.

We seem to be putting the cart before the horse. We're going out talking about the Constitution, and we don't even know if we have a Canada. We're going out and sending commissions. Federal, provincial, local groups, native groups are going out and saying, "Well, what should we do about our Constitution?"

We don't even have a Canada; how can we have a Constitution? We're Canada in name only at the present time. Nobody's agreeing on anything, and nobody's actually working towards anything. We now have five main political parties that are separated. How five parties can be separated day and night from each other is really hard, because then you have five

different days or five different nights. But they are. Everyone says: "We'll do something better. We'll be totally different from those guys." Well, there is no total difference. You have to make a decision. You have to know where you stand first. You have to know how many pennies you have before you can buy a loaf of bread. You have to know how many provinces you have before you can have a Canada.

It's only a suggestion, and I don't push it through because I know that employment's tough anyway. I don't want you guys to give up; keep trying. I'm behind you a thousand percent. But I think what you'll find is that constitutional talks aren't going to do a lot of good until we have a country to talk about. The United States started out with 13 colonies, ended up with 52. Nobody's trying to leave. Russia, on the other hand, started out with one, ended up with 14, and now they all want to leave, including Russia. So I think what we've got to sort of decide is, you know, let Quebec decide what they want to do. Let them write that up, their own decision. French Canada, Upper Canada, Quebec, New France: whatever they happen to want to call it.

The native situation. Whether they be Mohawk, Huron, Cree, Blackfoot, let them decide what they want. If they want to go tribal as they were before, if they want to go national, if they want to form their own parties, they have to get together and decide. Then each province has to get together and decide: "What do we want to do? Do we want to be friends with Ontario and not friends with Quebec?" Then once we've got all the cards on the table, we can sit down and have constitutional talks and say: "Okay; here we go. These are our building blocks. Let's put together a Canada." At the present time, as I said, we don't have a Canada to put together. We don't have any building blocks. We've got a lot of questions and a lot of good reasons why we should have a Canada. Unfortunately, we don't have any building blocks for that Canada.

Now, as I said, the Rocky Mountain House public library group is probably not going to be real happy, although I have given some of their views. They believe that there should be self-government for natives. I agree with that, as I said, but they have to decide what kind of self-government they want. Then we can talk about it. Quebec wants self-government. Let them decide what kind of government they want. Then we'll work on it. Manitoba will probably be the next one that says: "Okay; we don't want to be part of this either. We want our own chance." Let them decide: referendum, vote, two politicians that want to give it a try. Once they've decided, then we can have these constitutional talks. We can sit down with the people of Canada and say, "Okay, what do you want?"

I appreciate your time, and if there are any questions, I'm available.

1:35

MR. CHAIRMAN: Thank you, Dan. The material which you submitted to us was rather startling in a sense because it wasn't nearly as tolerant as the views you've expressed towards Quebec's opportunities. The advice that we had given to us in advance was that Quebec should not have the right to separate, that they "should not be allowed to leave Canada." They should be allowed to join Canada, "but if they refuse then they should be treated as traitors." That's a pretty strong statement. You've mellowed that considerably.

MR. RUTLEDGE: As I said, it was a group that had the discussion, and in any group - in fact, in this group here - you'll probably have a lot of variances in the situation. Although it

was a unanimous opinion that since Canada is at the present time a country like the U.S.S.R., and if you try to leave a country when it's in the middle of a battle for its own life, then you are a traitor, as I said, I can't go as far as saying "traitor" because I don't understand all the implications of traitor. I didn't believe in the war in Vietnam, and I didn't think people should fight about that, and if you didn't fight, you were a traitor if you were an American. That didn't make a lot of sense to me either.

I do see Canada as Canada . . . How can I put this nicely? Canada as a country should have one official language. I don't know any country in the world that has, "Well, we can speak French or we can speak English." There are some. France has a national language policy; it's French. England has a national language policy; it's English. Because of cost factors a country should have one national language. If individual regions wish to speak whatever, that's fine, but the initial dialect should be one language. I'm not really fond of French, but then again I'm not really fond of English. They keep changing it all the time, and the meanings.

MR. CHAIRMAN: True.

MR. RUTLEDGE: As I said, the board does have copies of the views that were expressed by the group. Any questions about those I can answer to some point because I was there and I did deal with them. My own views: again, I have not always been but I am learning to be a whole lot more mellow about the whole constitutional question, because there are so many intricacies and so much delicate negotiation is going to have to go on. I don't envy the position of this board in the least. You have to put up with the entire province of Alberta saying: "Well, do something. Don't just sit there. Do something." The problem is: what can you do? You have to wait and let the people decide, because basically it's for them. Until they actually realize that, talk about it amongst themselves, and make decisions, nothing can be done. You're doing a wonderful job going out and letting people know, giving them the chance to express their opinions, putting their opinions in writing so others can read them, and hopefully they can form their own opinions.

Canada, although one of the highest educated countries on the planet, has some of the most backward people. They will sit and listen to a television station ramble off garbage that looks good at the time, but they don't look at the actual news behind it, the actual words. If somebody looks real good for a camera and smiles real well, they've got a 90 percent chance of getting elected. We've got stuck too many times. The facts just aren't there. We have to educate the Canadian population, and this commission is doing a fine job of that, and I hope it continues. Even though it is a high expense on the taxpayer, I think the taxpayer deserves to know what's going on out there and should have many opinions so that he can try to translate them into an opinion of his own. Unfortunately, I've already got all my opinions. We're sort of stuck with that.

MR. CHAIRMAN: Well, listen; thank you very much, Dan, for coming forward. We appreciate your views.

Sorry; Dennis.

MR. ANDERSON: Dan, I appreciate you bringing together the group, and I think it is something Canadians are going to have to do more of if we're going to have the kind of thoughtful input that will lead us down the road in some way that we all want.

I know you can't speak in full for the opinions of the group, but on the document you gave us, I was very interested in the

thoughts on the Senate. In question 5 there seems to be some contradiction because in (a) it says "free votes in legislature & senate" and in (c) it says "abolish senate." Apart from that maybe the most interesting thing is "let governor general take its place." Could you elaborate on what was behind that thought? When we think of a Senate in our discussions, we usually think of it as the body to represent the parts of the country or the partners of the country in the federal decision-making process. I don't know how a Governor General would do that. Maybe you had a different basis for that responsibility.

**MR. RUTLEDGE:** The questions that were in the books that were circulated – Alberta in a New Canada, and the federal constitutional thing that went on – rather than using those specific questions, what we did was just ask our own general questions to give people a feel. We had a discussion and so forth. The answers were so varied that rather than give one specific, because there was no one specific answer, what we decided was to pick the top three, the top five, and so forth, put them on, and let them go.

Now, one of the things that was discussed was the fact that the Governor General position should be representation of the people. As I said, it wasn't really agreed with me. My personal opinion of a Governor General is to represent the Queen and holdings; the Senate, to represent the actual individual people; and the Legislature, to represent the government. That was my opinion on it.

What was suggested was to make a single-member body, whether it be the Governor General, a Senator – take all the Senators and sort of make them into one – a single elected person to make those crucial decisions that come down through the Legislature that can't be decided upon. Let a Governor General or someone elected, instead of running it through another complete system of Legislature, such as the Senate is – although there was a lot of discussion because the Senate was considered a bought position. If you're nice to the right party, you get to be a Senator.

That was around that same time when Stan Waters was having all his problems. He was an elected Senator, and they weren't really sure whether they'd accept him, because nobody got a chance to appoint him. Shortly thereafter Mr. Mulroney decided, "Ah, we need some more Senators because I'm losing the vote," and named off several new Senators just because, hey, that sounded like a neat thing to do at the time. The situation is that if you can appoint whoever you want, even though, of course, it's a lifetime position and so forth, there are ways around all senatorial matters, as Mr. Mulroney found out when he appointed his new members just because he was losing. People don't like that. It's playing five-card stud and somebody got an extra two cards.

When you've made a decision to stick with a government, the Senate and the Legislature, and the Legislature says, "Okay, we want this," and the Senate says, "No, we don't," then it's supposed to go back to the legislators. They change it and try it again. The way it was done by the federal government, the Legislature said yes, the Senate said no, so they said: "We'll fix that. We'll put four more people in there, and then you'll say yes." People really didn't like that a lot, and it's not just the people in Rocky Mountain House. I don't think there's a person in Canada that really looked at that and said, "Gee, that was a good deal."

So the situation is that everybody sort of agreed that instead of having a debate team of 90 people making this decision, when it comes down to a crucial decision such as that, there should be

either a very, very elite small party that makes constitutional decisions, let the Governor General handle it, or let the courts handle it. Don't just change the rules halfway through the game. I believe that's what the thinking was behind the Governor General having the final say in the matter.

1-45

**MR. ANDERSON:** I see. It was primarily related to the appointment of Senators as opposed to consideration of new possibilities, such as an elected Senate.

**MR. RUTLEDGE:** Right. As I said, because there were so many different answers, I tried to vary them as much as possible. So everybody – not everybody, but a good percentage – did want a triple E Senate. In triple E Senate you're running into the same situation that you did with the Legislature, okay? You're voting again for a party. Although you are voting for a man, which makes it a little bit nicer, basically the man has to follow his party regulations, party rules, or he no longer belongs to that party. The Senate is nonpartisan. It doesn't have parties. Well, at the present time it does, because you're set up in the position. If you're a good Conservative and the Conservatives are in power, you're in; if not, you're out. So if it's an individual elected membership to the Senate – not for a party, but for each individual's own idea, such as a presidency and so forth – where there are no actual party ties, it's more of a man that's being elected. That's what everybody seemed to want more of. They also wanted the ability to impeach that person if they didn't like him, which was rather silly, because we'd be changing Senators faster than we are now.

Well, you've done these meetings; you know how much varied the opinion is. I tried to cover as much of the opinions at the discussion as possible. I think mine came out to a page and a half; yours will probably come out to three or four books by the time you're finished. It's very hard to get anyone to agree on anything. When we start talking about sex, politics, all those unmentionables that your parents used to tell you don't ever talk about in mixed company: as soon as you've got that, then of course you've got the problem of nobody agreeing on anything.

The sex thing we're just starting to get into because kids are starting to become really aware of it. It's on television; it's all over. We're actually discussing that now. I hope some day politics becomes the same way so that we actually talk about it in open company.

**MR. CHAIRMAN:** I think we feel qualified to discuss the political structure of Canada, but I don't think we want to get into the sex issue today.

**MR. RUTLEDGE:** It would probably be easier.

**MS HARRISON-CAIN:** Maybe first we have to acknowledge that there are two.

**MR. CHAIRMAN:** Oh yes; two genders.

**MR. RUTLEDGE:** Well, there you go. So we're halfway there: we have five parties and two genders.

**MR. CHAIRMAN:** Listen, thank you very much, Dan, for bringing the views of your colleagues forward to us today. Thank you.

**MR. RUTLEDGE:** Okay. I appreciate your time.

MR. CHAIRMAN: We're pleased now that we have our colleague Ty Lund, who would like to bring forward some ideas.

MR. LUND: Well, unless some people who are here would like to.

MR. CHAIRMAN: No, I think we have some space in the middle of the afternoon. I know some of the people who are here now and who are scheduled to be on later are able to come forward sooner, and we'll encourage that. But Ty, I know, has done some work in terms of trying to assess the opinions in his constituency, and he'd like to share those with us.

MR. LUND: Well, thanks, Jim. Yes, back in March I sent out a questionnaire with 12 questions on it. Of course, this is such a complex issue that 12 questions don't begin to cover it, but I tried to hit on some of the main points, and the whole thing can be built around those points. It was so that I'd get some feeling of what the constituency is saying. I had a lot of comments and heard a lot at the time of the Meech Lake debate, and I'd thought it'd be very useful for me as I tried to carry forward the views of the constituency if I had hard numbers to back it up.

In the form that the questionnaire took, there were five options that were on it as far as whether a person strongly agreed, agreed, disagreed, strongly disagreed, or no opinion. I was fortunate in having about 10 percent of the questionnaires returned, and in very few cases did the "no opinion" option come back. Because I felt that the "strongly" should be weighted a little bit more than just agreeing or disagreeing, if someone marked down "strongly," I gave it an extra 50 percent. What I'm saying is, then, that if we've got, say, 150 agreed, that could be offset by 100 strongly disagreed, if you get the way I've set this up when I use the percentages.

Going directly to the questionnaire, the first four questions were on the constitutional responsibility. I think the way I do this is I'll just read the statement that was made on the questionnaire, and then I'll give you the percentages as they were returned.

"More power should be centralized in the federal government": 14.5 percent agreed with that; 85.5 disagreed. "More power should be decentralized to the provinces": 80.6 percent agreed; 19.4 strongly disagreed.

Before I go any further, I should say that I want to try to capture some of the comments as well because there were many comments written along with the rating. Since that, I have attempted to talk to a lot of people and held a number of meetings in which these things were discussed. It became very evident to me in the comments both from the questionnaire and since that the reason we're seeing in the Rocky constituency this kind of a feeling: people certainly remember the national energy program, how the province lost so many tens of billions of dollars through that program, but I think it goes even further. We've noticed how in using things like the environment, if the federal government has total control over that, they can really regulate the growth and the development in a province through those regulations. We've seen that, of course, in forestry development. Even to the point when all the problem was - there's still a problem going on, and I still have people saying to me about the problems we're having at the Oldman dam, "Can't you people pass legislation that will stop this nonsense?" Of course, as long as the federal government has a lot of control, we can't do that. Certainly the issue about the development of natural resources is one that the constituency is saying must stay with the provinces.

Going on to statement 3. "All provinces should have identical constitutional status": 95.3 percent agreed with that; 4.7 disagreed. One of the issues that is coming forward and that people are really upset about: things like the ability of Quebec to have control to a certain extent on immigration, just as an example. The message is coming through loud and clear in this constituency that there is to be no distinct society. No matter how it's phrased or where it is, there's to be no distinct society in the Constitution. There's been a lot of concern expressed about some of the comments that Joe Clark has been making lately as it pertains to that. Of course, a lot of people are really upset that Edwards would put his name to that paper that suggested that Alberta would be a third-class province. They obviously aren't listening to what Albertans are saying.

Number 4:

Provinces vary in population, economics, culture and language.

With this in mind, the constitution should allow provinces to meet their responsibilities in various ways.

Eighty-two point two percent agreed; 17.8 disagreed. In the comments I'm hearing, there doesn't seem to be a problem with some minimum standards dictated by the federal government, but if you're going to get into broader and very extensive ones, then the federal government better be prepared to pay if they're going to dictate those.

1:55

Moving, then, to institutional reform. "Achieving a Triple E. Senate should remain a priority for Alberta": 83.7 percent agreed; 16.3 disagreed. From a lot of the discussions and comments, I believe that some of the positions taken in the preceding responsibilities under the Constitution would be softened and modified if the people here felt that we really had a voice in Ottawa. But until we have that voice, they're not prepared to give up any of the power that we have.

Aboriginal issues. "Defining aboriginal 'self-government' should be a priority for Alberta." In the response to this one, we had 45.2 percent agreeing and 54.8 disagreeing. That really bothers me, and I think perhaps in trying to squeeze this thing into one page - some kind of a definition of "self-government" is necessary. As I talked to people, it seems like what I'm hearing: when we say "self-government," if we're talking about a nation within a nation, then the answer is no; if we're talking about a status of the aboriginal people that would be similar to a provincial status, then that could maybe be worked out; if we're talking about a position that would be similar to a municipality, then the answer is yes. So we're sure going to have to do some more work on that one.

Just a personal opinion, deviating, maybe, from what the majority of the constituents think: since I've had the opportunity on the native affairs caucus committee to meet with and talk to a lot of aboriginal folks, I get a sense and a feeling that they are crying out to have the opportunity - opportunity to succeed, opportunity to fail - and we certainly don't give them that under the current situation. They're shunned and supposed to be the responsibility of the federal government, and they're not given those opportunities. I think that if we give them the opportunity, they will succeed. I see it right here in Rocky, a number of them, and I think that's one area we're going to have to really work on and come up with something.

Amendments to the Constitution:

Quebec and Ontario together have a majority of Canada's population. If a national referendum were held to determine a constitutional change, the opinion of the majority should be binding on all provinces.

Seventeen point four percent agreed; 82.6 disagreed.

Charter of Rights and Freedoms. "The Charter of Rights and Freedoms has been positive for Canada": 31 percent agreed; 69 percent disagreed.

Question 9, "Rights guaranteed under the Charter should be strengthened": 37.6 agreed; 62.7 disagreed. In the discussions I sense that people are not opposed to rights, but as was pointed out by one presenter this morning, the responsibility has been lost. Until we get that back into the Charter, there's a real problem with continuing to expand rights only.

"Appointed Courts should be able to override decisions of democratically elected representatives": 48.2 percent agreed; 51.3 disagreed. That doesn't quite add up. I guess I must have made a mistake – 51.7. Here it seems like a lot of the folks are really concerned. We got into a long discussion on that this morning, where the courts are interpreting and out of touch with society. I guess the Ng situation is one that constantly comes up as a prime example of that. Folks are saying to me that we have to devise some method that the judges are not appointed for an indefinite period of time. I've had all kinds of suggestions: five years, seven years, eight years. But we have to somehow try to make sure that there is a relationship between the interpretation of the law and what society is saying. That changes, so there must be that flexibility.

Bilingualism. "Canada should have two official languages – English and French": 18.3 percent agreed; 81.7 disagreed.

Question 12, "All provinces should be bilingual": 6.3 percent agreed; 93.7 percent disagreed. The bottom line is that people in the Rocky constituency are basically saying that they don't want to have the French language shoved down our throats. We see a great expense and divisiveness by continuing to have bilingualism, and many have said to me that there should be one official language in Canada and only in Quebec would there be the ability to have the second language.

I am not surprised by these results because as many people in the Rocky constituency were hailing the death of the Meech Lake accord, these were the types of comments that were coming to me. So it's not by any means a surprise.

MR. CHAIRMAN: Thank you very much, Ty.

Perhaps some of my colleagues have some questions or comments. Barrie, then Bob.

MR. CHIVERS: Mr. Chairman, I have both some questions and some comments. I'm wondering, Mr. Lund, how many questionnaires were sent out and how many were returned.

MR. LUND: There were about 6,500 sent out, and I got 634 returned; about 10 percent.

MR. CHIVERS: Less than 10 percent.

MR. LUND: Slightly less, yes.

MR. CHIVERS: Now, I'm a bit concerned about this type of a presentation being made to our committee, Mr. Chairman. I understood this was an exercise in hearing directly from the electorate, the people of Alberta, not hearing the views filtered through an MLA. I object to this procedure. I think this is uncalled for.

The question I have, Mr. Lund, is: did you file a request to appear before this committee by July 31?

MR. LUND: No, I don't remember if it was by the 31st.

MR. CHIVERS: Did you follow the same procedure that everybody else who's appeared before these hearings has?

MR. LUND: I'm not sure that I can say that I did, no.

MR. CHAIRMAN: Well, I can answer the question. Mr. Lund came to me months ago and asked for the opportunity for this committee to come to his constituency and asked for the opportunity when he came to speak to us.

MR. CHIVERS: I just note that he wasn't listed as one of the presenters on the official list of presenters, Mr. Chairman.

MR. CHAIRMAN: Well, you've made your point.

MR. CHIVERS: I've made my point.

MR. CHAIRMAN: Bob.

MR. HAWKESWORTH: I think it's quite irregular, Mr. Chairman. We have the privilege of expressing our views and our constituents' views, as we see them, in the Legislature, and my understanding of us being an all-party committee was to tour the province to hear from Albertans. So I think this is a very highly irregular process, and I'd just like to register my objections. I think to this point we've done very well as a committee to try and keep the partisanship out of our proceedings, and I think we've done that very successfully. It's taken an effort on the part of all the parties, everyone around the table, and I wouldn't want to see that process jeopardized. I think it's too important, and I'm sorry that there may be a tendency here to inject some partisanship where I don't think it's called for or necessary.

MR. CHAIRMAN: Yolande.

MRS. GAGNON: I'm also very concerned. I'm wondering, Mr. Chairman, if I asked to present in Calgary or Mr. Chumir did or Mrs. Hughes in Edmonton, would you have said yes? We've done a number of surveys. We've sent thousands of questionnaires. We know the time will come when we can insert that into the process. I'm just wondering what your answer would be if I asked to make a presentation in Calgary on behalf of my constituents.

2:05

MR. CHAIRMAN: Well, that would be a little unusual, but if Mr. Chumir asked to come forward, I'd say yes.

MRS. GAGNON: Why? He's on our committee.

MR. CHAIRMAN: I'm sorry; another member who is not on the committee.

I'm sorry you have taken this attitude. I didn't think Mr. Lund took a very partisan attitude at all. I think he was reporting on the views of his constituents, and I find this allegation of partisanship to be quite unusual. But if MLAs are not going to be permitted to give the views of their constituents to this committee as they've assessed them, then we'll take note of your objection.

MRS. GAGNON: My objection, sir, is strictly that this is unusual in that other MLAs, some of your own MLAs when we were in their ridings, did not make a presentation. This is a

unique situation, and I think in some sense it gives Mr. Lund unfair advantage in the eyes of his own constituents. I know he means to bring forward their views, but we've received from other MLAs compilations of their surveys, and maybe the same procedure should have been followed in this case as well. I don't mean to be disrespectful. Please don't take this personally, but I do think it's unfair advantage.

MR. DEKINDER: Can I say something? Are we trying to save Canada, or are we fighting amongst ourselves?

MR. CHAIRMAN: I'm sorry. I don't know your name.

MR. DEKINDER: Well, it doesn't matter. I'm a taxpayer. But are we trying to save Canada here, or are we just having all this bickering going on?

UNIDENTIFIED SPEAKER: Another political game.

MR. CHAIRMAN: I don't want the political game to escalate, because we have, as members have said, tried to keep our presentations nonpartisan, but it's quite clear that we've had partisan representation come before the committee, identified as such. The fact that in this particular case a member of the Legislature has given what he believes the views of his constituents to be I thought was quite a reasonable approach, but we note the objection. I think we should now proceed on to hear other people who are in fact waiting.

Thanks, Ty.

MR. LUND: Thank you.

MR. CHAIRMAN: Carrie Mason of the Rocky Native Friendship Centre was originally scheduled to appear at 3:30 but has kindly agreed to come a little earlier.

Welcome, Carrie. Thank you for advancing your time for your presentation into this gap we had in our participants.

MRS. MASON: I'd like to say good afternoon. On behalf of the Rocky Native Friendship Centre Society I'd like to thank you for the opportunity to express some of our concerns with regard to constitutional reform. Our board of directors have chosen to address only three issues; namely, capital punishment, Indian rights, and Metis rights.

Speaking with regard to capital punishment, it is the consensus of our board and no doubt a majority of Canadian citizens that capital punishment should be reinstated in our Canadian Constitution. Firstly, keeping these prisoners is a drain on our federal budget and should be a consideration in curbing the national deficit. Secondly, if a murderer has been convicted and has exhausted the appeal system, there is surely no room left for doubt of his/her guilt. Thirdly, there is a chance for parole, whereby these people may be turned loose in society again.

Then I go on to Indian rights. The issue of Indian rights and the oppression of the First Nations of Canada has now reached international status. It is imperative that a process begin soon. We are now nearing the end of the 20th century, which will mark three centuries of suffering and oppression to a people who had enjoyed thousands of years of self-government in a land of plenty. Today our people are struggling to find their place in society. Many of us no longer believe we are of inferior intelligence. We no longer believe the dulling effect of alcohol is the answer. Many of us believe it is time for us to take our

rightful place in Canadian society. We want to see our children and grandchildren educated and employed.

The Indian Act of 1876 must undergo a review process and our rights must be defined. We are tired of being a commodity in the Canadian economy. Much of the discrimination we endure is perpetuated by embarrassingly large budget announcements, which are frowned upon by taxpayers. Our people have been researching expenditures in native budgets, and we feel that Canadian taxpayers should be informed of the 73 to 75 percent administration costs which are taken from every native budget. It is excruciatingly difficult to squeeze program dollars from these budgets. Most of this money goes to pay large salaries, plane fares, and plush expenses to white-collar workers, few of them natives. Is it any wonder our people are asking for self-government? We do not wish to be an albatross around the neck of the Canadian government. We only ask that we be given equal opportunity and a responsible place in Canadian society. That's Indian rights.

I'll move on to Metis rights. Our Constitution committee would also like to address the issue of Metis rights, which are also entrenched in the Canadian Constitution with no clear definition. Many people do not realize that Canadian history would have been considerably different had the Metis government not sent out their forces to drive the Fenians back in the mid-1800s. Western Canada would now be an Irish republic. Many also forget that the Metis people of Canada were responsible for the survival of fur traders and explorers. European map-makers received all the glory for mapping out Canada. However, geographic exploration would have been almost impossible had it not been for the guidance and provisions of the early Metis.

Historians realize the contribution of the Metis in this respect. It was their survival skills, fluency in European and native languages, stamina, and knowledge of the water routes which opened up the west. They were referred to as road allowance people, as they moved from place to place clearing, brushing, and picking rocks for European pioneers. Scorned by white society and disowned by the Indian people, they became a strong nation of people, their sense of humour a survival mechanism. Now, with today's technology, they are struggling with unemployment and a lack of education.

The rights of the Metis nation have been entrenched in the Canadian Constitution. However, there is no clear definition of what these rights are. We speak in support of the Alberta made, Metis driven position submitted to and adopted by the Rt. Hon. Joe Clark. This seven-step process will enable the Metis nation to form a basis for negotiations.

MR. CHAIRMAN: Thank you very much.

MRS. MASON: It's very brief. I owe my people an apology for the brevity.

MR. CHAIRMAN: You've touched on the key points, and I very much appreciate that. Could I just ask about your own status? Are you a Metis or a treaty Indian?

MRS. MASON: Treaty. Actually, I'm a Bill C-31, and that's another touchy issue.

MR. CHAIRMAN: Oh, Bill-31. In any event, I just wanted to know that.

We've been hearing a number of things from nonnative Canadians about the type of government that might be granted



or devolved or agreed to for native communities. You're aware of the Metis settlements legislation which has now been put in place in Alberta, which has been really discussed and debated amongst the Metis and then eventually voted on and put into the law of Alberta. That's one form of self-government which will be evolving over the next period of time. What's your view of that arrangement?

2:15

MRS. MASON: Well, I can't see any other solution really. Being that most of the Metis population is in the north, it just makes sense for them to have their settlements and their government set up in that way.

MR. CHAIRMAN: From your observation, though, it's a good model for that particular area?

MRS. MASON: Yes.

MR. CHAIRMAN: Okay.  
Other questions or comments?

MRS. GAGNON: Yes, please. I appreciate the fact that you've talked both on behalf of treaty as well as Metis. Quite often I think the Metis have been left aside. But when we talk about native self-government and self-management, looking after their own affairs, how would you see this taking shape? Has your group discussed some specifics? Because I think we all say, "Yes, self-government," but what does it mean?

MRS. MASON: There are so many things to be taken into consideration. The first thing that I think of is the fact that in the last decade native education has really been on the rise, and maybe even at this moment we may not be prepared to really put something like this in place that soon. But I say that by the time the process has taken place, we will have enough people in place and educated and ready for their responsibilities, because we realize that there will be a process.

MRS. GAGNON: As a treaty native, do you agree that Indian affairs or the department should be abolished totally? Are there some risks in that? The federal department of northern and native affairs: should it be abolished?

MRS. MASON: There are some risks. It's going to really depend on the way their system is set up, their system of self-government.

MRS. GAGNON: Like what replaces it.

MRS. MASON: Yes.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: I have one question. We've been hearing some interesting comments over the years, of course, in dealing with and working with native groups, particularly the Indian community. They've claimed a special relationship to the Crown, and of course that was the case back in 1981 when large groups of them went to the United Kingdom in the hopes of influencing the outcome of that particular constitutional step. We've been hearing from some people, including today, that the abolition of the monarchy would be a positive step for Canada. Have you given any thought to that suggestion?

MRS. MASON: Now, this is a personal opinion – I haven't spoken to any of my people with regard to this – but I think basically the native people are very patriotic, and whatever form that might take, I think we would be perfectly ready to accept a nationalistic view. I know that the native people were true to – you know, they had a lot of respect for the monarchy and the Queen, and they always played a role in welcoming the royal family, but I think that we've also grown a lot in the last few decades. Realizing that our country is falling apart and there are so many problems, I think we'd be willing to sit down and rehash the whole thing again, along with everyone else.

MR. CHAIRMAN: Okay. Well, thank you very much, Carrie, for coming forward and giving us your views and those of your friendship centre. We wish you success.

MRS. MASON: Thank you. Would you like a copy?

MR. CHAIRMAN: Yes, if you would, please.

Okay. The next presenters – we're getting people to come a little earlier than they had anticipated. Are Cliff and Ron Bryanton here?

Welcome. Thank you for coming somewhat earlier than you had anticipated.

MR. C. BRYANTON: Well, I'm really not quite sure about all of the details of the forum. My dad got me into this in more ways than one, and I'm not quite sure whether all that I have to say, then, is directly applicable or in context with what the forum is about.

MR. CHAIRMAN: Please go on. I can assure you that not everyone has addressed their attention solely to constitutional issues over the last set of hearings.

MR. C. BRYANTON: I started off by just questioning why we need a Constitution, a new Constitution. Simply, our country now, in the majority's opinion I believe, is being destroyed. Changes have to be made to the Constitution. However, once enshrined, constitutional changes will redefine Canada forever, and caution is required. What are our tools for delicately carving a new Constitution? I believe we have three: establishing principles, debate, and rigorous tests.

Certainly we must look behind these changes and ask, "What is the principle involved?" We must put aside all of the politics, the prejudice, all of the greed, the anger, and the selfishness, and look beyond and establish the principles that we want our nation to be built upon, that we believe in, that we can take pride in, principles that are not malleable to temporary political advantage. Remember, once enshrined, items are very difficult to remove. So let's be careful, keep it simple, and adhere only to fundamental truths. We must debate the changes with their worst critics. Only then could we have confidence that it will provide for our children as we have envisioned.

These principles must be subjected to several tests. The first is a test of time. We should be careful not to invoke radical principles, to address fads and fleeting issues. Will it still be valid in the next century? It will be the next generations that will wrestle with the reality. If we are going to rebuild this country, we cannot base it on what is but what should be. We must not rebuild for ourselves but for our grandchildren. The second test is universality. Can the principle be applied without condition and in many situations? Will it contribute to a better, stronger Canada? The third is really a question of need. If it

is not needed, we don't want it. Every constitutional item will trigger another round of special interest demands. Every law provides a battery of lawyers a handsome living and a corresponding depletion of public resources. Perhaps the issue could be addressed in another way outside of the Constitution.

However, these fundamental rules must be identified to act as safeguards against the government abuse of power that we lent them. These truths must be held dear and above all. It is essential that the Constitution be defined by the people, for it defines their country. It must not be defined by the political stakeholders. We don't want 10 Premiers and a Prime Minister deciding how they want to govern us, but, rather, we want to say how we are to be governed.

What are these truths or principles? I believe the first is equality of opportunity. There should be no preference given to anyone based on race, language, religion, sex, or heritage. A Canadian is a Canadian. There can be no distinction of peoples in the Constitution, no special rights; simply human rights. Not "if you are whatever," then special rules would kick in. The government cannot fight discrimination by discriminating. One cannot make individuals pay for the sins of others, and every individual must be taken on his own merit. Surely this truth should be a fundamental principle. If so, it must be believed and applied with conviction.

2:25

I said equal opportunity, not equality. We should not strive to make all equal. Because we have a white Prime Minister now does not mean the next must be black, Asian, and so on; merely that each has an equal opportunity to succeed based on their merits and abilities. Yes, each must have an equal opportunity to fail due to their lack of ability as well. One cannot destroy an individual's opportunity in a misguided attempt to correct an institutional inequity. Affirmative action is simply a vindictive attack on the opportunities of the innocent. There must be no tolerance for "white males need not apply." I cite the case of the Ontario college which publicly proclaimed, and without embarrassment, that they would hire on the basis of sex and race for the next 10 years. Such actions create a pampered sector, anger, frustration, and discrimination from its victims. Once wounded with such a weapon, the scar will be there for the rest of his life. One cannot advantage some without inherently disadvantaging others. Such is abhorrent. Our Constitution must protect all from racism and sexism. Simply, if the principle is a truth, it must be universally applied. It must be believed in as a goal, not simply as a tool to be used to achieve some political end.

Multiculturalism is not an ism. It should not be institutionalized. As it is, multiculturalism in Canada is a euphemism for racism. The government taxes and provides funds and resources based on race, then issues great self-righteous orations against intolerance. Can we not learn from South Africa, Northern Ireland, India, Lebanon, Yugoslavia, and on and on and on? Can we not learn from the mistakes of other countries that differentiated rather than integrated? In conceit our country has launched into this experiment called multiculturalism. Why risk it? Perhaps discrimination on the basis of culture is morally correct. Someone whose culture includes wearing a sarong, turban, or cowboy boots should be given special treatment? I think not. Our governments are blatantly funding and promoting minority interests to buy votes, then scold the taxpayer because of his concern. Racism. If the government won't stop itself, who will? Multiculturalism is not morally wrong, but institutionalizing it is.

By what principle should we inscribe special rights for natives in the Constitution? Perhaps because their race is superior. Then where does my race rank, and where are my rights over the lesser races defined? I think not. Perhaps aboriginal peoples are inferior and need special privileges in an effort to make them equal. Such racism is abhorrent. It shouldn't be tolerated in our country. Perhaps because they were here first. Then let's accept that privileges are attained by ancestry. Define the rules and universally apply them independent of race. Certainly some of my forefathers were in this land now called Canada prior to some tribes which came from the south. Certainly those from families who built the railroads, farms, roads, and the wealth of this nation should also have some special recognition. How about those from families who sacrificed in Canada's defence? While we are handing out favours, who among us would deny them? Thus each new immigrant and their children and their grandchildren and their grandchildren will owe a debt to the existing people. Let us all get our share. I say no. This principle fails miserably. There are not two, three, or four founding peoples, just Canadians, proud Canadians looking after one another.

Problems and inequities of one generation must not be the debt of the next. Most certainly any repayment should not be enshrined in a Constitution. We are tired of having our forefathers who built this country degraded. We are tired of paying for their alleged sins. It's simply not our fault. Nor should one inherit privilege. We do not accept inherited class structures, lords, and masters. Most of our ancestors left lands to escape such degrading tyranny. Surely this is a principle that we must base our laws upon. So we must honour our agreements and clear up Indian land claims now and forever more. Never again should anyone suggest that because their forefathers were natives or white Canadians or black Canadians, they should receive special rights or priority. They must have equal opportunity, no more and certainly no less.

So what is the principle by which natives would have special recognition in the Constitution? By what principle should Quebec be dear and distinct? By what principle would any group have special recognition in the Constitution? Would these principles stand the test of time? Is there any universal truth to these principles? Are these the needs of Canada or the wants of a special group?

The second principle, I believe, is democracy. There are two pillars of democracy. The first is majority rule. Although not always right, anything else is dangerous. Second, the people have a right to be heard. We have neither. We have rule by special interest groups. Minorities are always right; no discussion. People must have a way of providing legal protest and input but cannot be allowed to obstruct and stall the democratic will. All must have confidence that their views have been represented before policies are defined; then all must believe that the government represents the view of the majority; then we should expect co-operation and compromise. Through it all there must be belief in democracy. Today how can a Prime Minister even consider tinkering with the Constitution without a mandate and with less than 10 percent support and still profess that he believes in democracy? Everyone must be able to voice their opinion without fear and intimidation.

We currently have a Prime Minister who will publicly and without embarrassment rebuke elected representatives and enforce party lines by expulsion. Such open, clear, and unchallenged disrespect for democracy is foreboding. As well, we have leaders who freely use words such as racist, bigot, and redneck to stifle debate and discussion. According to media propaganda,

immigration, minority education, multiculturalism, and bilingualism are all topics Canadians should not discuss; just pay the taxes in silence. Is anyone with a different view of Canada an intolerant redneck nincompoop? How ironic. What is so terrifying that the Canadian public could not be subjected to the views of elected representatives? By their conduct, we know our leaders have little respect for democracy and certainly freedom of speech. We can view their behaviour with nothing but disgust. How can we trust our leaders to define our Constitution? Certainly the only thing sacred should be the free and open seeking of truth. Without open expression and consideration of all alternate points of view, we will ratchet further and further from reason. Eventually, only radical reaction and the destruction of our country will result, born out of frustration and anger. Do we really want to disintegrate like the U.S.S.R. and Yugoslavia?

Certainly there are those with views founded in hate; always have been, always will be. Words and ideas cannot hurt us. Let's discuss it and challenge these beliefs before they act upon them. Let's not let them and the reaction to them destroy our country. History suggests that the only way to suppress such evil is to subject it to the glare of reason and facts. Let's see the facts. Let's hear of their experiences, the rationale, and perhaps we can douse the flames; that is, if we can stop government from providing the fuel. Let's fight anger and frustration by listening. Fight the cause, not the effect.

Equally dangerous is the overreaction to this group. Certainly let us not destroy the most precious of our rights for this minute faction. We must be comfortable with expression of our opinions and open discussion of our differences – no, more than comfortable; we must feel it is our duty. We must have an informed and thinking electorate, one that seeks the facts. Only thus could we consider our democracy healthy. We must have these areas strengthened. We must all accept that the world is unfair and that no amount of legislation would make it fair. Legislation merely spreads the unfairness around. All of us feel mistreated, maligned, and degraded during our lives, but it is our charge to rise above it, look at others around the world and see the unfairness and be thankful. Thus a lot of tolerance, time, and effort is required from all sides to allow this country to progress. A lot of listening, patience, and wisdom is necessary. All we can expect is improvement, no more and no less. The rest will come in time. Please give us that time.

2:35

The third principle that I believe in is representation. Clearly, the existing governmental system is dysfunctional. The Fathers of Confederation had no thoughts of the huge, diverse nation of today. The House is so adversarial that it reduces all to juvenile behaviour. The life of the regions is continually sapped to provide for the gluttony of the populace. Once the Prime Minister has a majority in the House, he becomes a virtual dictator for five years. Our representatives are whipped into line for fear of defeating the government and thereby losing their own jobs. Certainly they are in a conflict of interest.

But what are our options? Abolish the Senate and let the House of Commons run amok on democracy? Although preferable to what exists, I think not. We now have a virtual dictatorship between elections. We would also have to modify the House to include disproportionate representation for the regions. As well, we would require incredible foresight and wisdom to define complex laws for the necessary checks and balances.

Perhaps equal Senate representation by province, known as triple E, is the answer. Provincial representation has only served to divide and serve political interests. The provincial boundaries are mere quirks of history and bear no current demographic rationality. These boundaries were established when three-quarters of today's Canada did not exist. Prince Edward Island with the population of northwest Calgary would have representation equal to Ontario. Half of the Senate's seats would come from provinces that ring the Atlantic. The centre of a triple E Senate would move east to Quebec City. The majority, if you look at the majority of 60 percent, is Ontario, Quebec, and the maritimes, and the centre of that is Quebec. This would result in even a further distortion of Canada, and we would probably have to give up much just to get it. Even within provinces only the populous areas would be represented. How can such be equal or effective? No, thank you. We have heard enough of better provincial representation in federal issues – federal/provincial power wars, Quebec's sovereignty – but where are the speeches concerned with providing better representation for the people?

Please, this is our chance to do it right. This is our chance to take a step back and look at what should be. I propose that we should look at a new Senate. What are the objectives of this new Senate? The Senate should work to build a better country. It should be a unifying force. It should be elected, independent of political parties. It should represent the regions with little power in the House of Commons. It should provide checks and balances on the government. It should be the guardian of the Constitution and democracy. It should conduct referenda. The Senate must be elected to provide sober second thought and input from the diverse sections and peoples of this country. It should serve as a binding force and a source of faith that the needs of the regions have been duly considered in an open forum. Only then can we expect full co-operation. I would have the government continue to propose Bills. The House of Commons would debate and pass them to the Senate. However, this body would be elected to review and suggest changes for the first two readings. On the third reading the Bill would have to be accepted. Simply, the majority as represented by the House must prevail.

But what powers would the Senate have? I propose that the Senate have the power to dissolve the House of Commons and call elections. Such action would be warranted when government actions are in contradiction to its mandate, such as Trudeau with the wage and price controls of the '70s; when the government has lost the confidence of the electorate, such as the current federal government; and when conditions have changed significantly from the time of the election. But we don't have to set out rules and regulations for checks and balances. We need not anticipate every future possibility. No. Elections are not called on the basis of some law but on whether or not it is moral, whether the Senators could answer to their electorate. That's what the Senate is for.

Although it could not stop unpopular, irresponsible Bills, the Senate could force the government to seek that new mandate. The motion for an election from the Senate would require a declining majority: 80 percent the first year of a new government, 70 percent the second, 60, 50, 40, and then 30 percent in the sixth. Elections would be required at the end of the sixth year. This would give the Senate its clout. The government could not be defeated in the House. Only Bills could be defeated. Rigid party lines would not be required, and democracy, freedom of speech, and representation would once again flourish in the House. The performance and the term of the

House would be monitored by the Senate, not the government. The Prime Minister would then lead, not dictate. The country may survive and prosper under minority governments, and cooperation and compromise might be possible, not impossible.

The fiscal decadence of election years would be eliminated since the government would no longer be in control of its elections. The intricacies and advantages here are too numerous to fully discuss. The Senate would also define one or two points that would be determined by a referendum added to the ballot at each election. The referendum would be a yes or no proposition of philosophy. The government would take the direction, develop appropriate legislation, and make it workable. This would prevent Parliament from arguing extensively over moral issues. It would also reduce single-issue politics and force a majority rule on some items. Examples include capital punishment, bilingualism, abortion, free trade, et cetera.

I would propose that the Senate electoral districts be determined by a formula including both area and population factors. The simplicity of one person per square kilometre is very attractive. Each area could have at least 100,000 people as well as at least 100,000 square kilometres. In some areas, such as lower Ontario, the minimum 100,000 square kilometres may encompass several million people. In other regions, such as the north, the minimum 100,000 people would occupy vast areas. A Senator would never represent less than 100,000 people. This process would yield about 75 Senators, and the Senate would then elect a Governor General to perform as Speaker.

#### 2:45

One of the regions would elect a new Senator every month. Each region would take its turn. Each month the media would be focusing on the needs, feelings, and issues of one of these regions in the country. This in itself would help to open the minds and hearts of other Canadians. Think of it: we would learn about Canada in our media. We would learn that French fact is fiction in much of Canada. We would learn that the French issues are significant in parts of Alberta. Through it all we would simply understand Canada better. If there were no other reasons, this would justify my Senate.

Secondly, 12 Senators would be seeking re-election each year. Thus the Senate would always be experienced but mindful of its electorate. The logistical and political advantages are numerous. The boundaries of the regions would be determined by socio-economic criteria: common industry, cultural mix, life-style, et cetera. Because the area is based on similar demographics, the people have a better chance to be heard without filtering. Every effort should be made to ignore and override provincial boundaries. Examples: two areas should be arranged to represent the eastern and western native reserves. Thus the natives will be assured a measured voice in the new Canada. Areas including Banff, Jasper, Golden, Revelstoke would have similar industries and could have one representative - northern Manitoba and Ontario, northern Alberta and northeastern B.C., Toronto and Hamilton, Ottawa and Montreal together, the maritimes, and so on.

Remember here the purpose of the Senate would not be to govern. Unless we have some representation such as the above, Canada will continue to be controlled by American 'wannabes' huddled near the border. People in Rocky Mountain House do not worry about cross-border shopping or brain drain or cultural drain. They're Canadians. Without some power given to the central and northern regions, Canada will continue to be developed by the people on the 5 percent of the lands that are

nose to the border. We will never develop as a true nation with identity, pride, and purpose.

As it is, people are increasingly frustrated. Their anger is growing. Is it bilingualism, multiculturalism, capital punishment, economy, Meech Lake, Quebec crisis, native issues? I think it is simply that the politicians are not listening. There is no voice for the silent majority, no forum to hear it. Perhaps these issues cannot withstand the rigours of debate and we are being given a Canada defined by a philosophy based in some eastern fantasyland that no one wants in reality.

In conclusion, when we make changes to the Constitution: principle, principle, principle; debate it, debate it, debate it; and test it, test it, test it.

Thanks for this opportunity. In 10 years when my son and daughter ask, "Why didn't you do something?" at least I'll have an answer. Thank you.

MR. CHAIRMAN: Thank you very much, Cliff, for your intriguing presentation. Relative to the Senate, I guess the triple E which you dismiss, you agree with two of the Es, elected and effective. You went on to define the effective E which has been very difficult to define, but it's the equal E that you don't agree with in the current proposal.

MR. C. BRYANTON: I don't agree that it would be equal, and I do not agree that it would be effective.

MR. CHAIRMAN: Well, you defined that it has to have some responsibilities, and that's the effectiveness. You went on to define what you believe that E should be. That's what I meant.

It's an intriguing proposal, particularly having an election every month. I've been told often that we have too many elections in Canada, but nonetheless it's an interesting one.

The other comment, just quickly, and that is the nature of polls. You have referred to the current government's unpopularity as demonstrated in the public opinion polls at 10 percent. Of course, that's a challenge, to know whether or not those polls do in fact reflect, and that's the tough one. Are we going to rely on commercial organizations or is there some better way of assessing that on an ongoing basis I think is really an important issue.

MR. C. BRYANTON: That's why I had the elected Senate there as a filter: so that we're not taking polls and the government would not be held hostage to polls. The Senate would rationalize that and evaluate that and moralize that and act as a filter between the radical changes in public opinion polls, and they would not be subject to the types of questions the polls ask. That's why I do not have that a public opinion poll would have any effect on the government itself. We have no forum for that at this stage.

MR. CHAIRMAN: Yes. Lots of questions. Dennis.

MR. ANDERSON: Mr. Chairman, two questions. First a comment. I think you have a wise father who encouraged you to come. That kind of thoughtfulness is what we need in terms of determining the future of the country.

The first question is just a technical one. Do you happen to have a map which has worked out your Senate regions? You had the criteria there. It seems to me that they might clash with some of the principles, but if you have it worked out, that would be helpful.

MR. C. BRYANTON: I have worked it out. I don't have it here with me.

MR. ANDERSON: If you could send it to us, it would be most helpful.

MR. C. BRYANTON: Certainly.

MR. ANDERSON: The question deals with your several references to our current way of dealing with constitutional change; in other words, you referred to the 11 first ministers and, I guess, implied by that the process in the Legislatures which comes with it. How do we change the current Constitution? How we have in the past is by that process, so we're now looking at a new way of achieving that.

MR. C. BRYANTON: These forums are great, and I want to thank you very much for considering them. The last, Meech Lake, just did not work for anybody, and this is how you get the input.

I'm not sure how you effect those final changes. In future maybe within the existing government we would have an elected Senate to assist. We don't have that now, and we have no national body that we can really trust to look after these things. So now I guess we would have to have these forums, get the input, get two or three proposals, debate them in the national forum, then sit down and try to institutionalize them. It's a difficult task, and I'm not quite sure of the intricacies of it with the existing structure. It's so easy to get political answers built into the Constitution with the existing situation.

MR. ANDERSON: Thank you.

MR. CHAIRMAN: Fred Bradley.

2:55

MR. BRADLEY: Thank you, Mr. Chairman, and thank you for your very thoughtful presentation. Obviously a great deal of thought went into your presentation.

There's one question I've been trying to frame that I wanted to ask you and other presenters. The theme that we've been hearing, and I think you also had as one of your principles: equality opportunity. Others would say equal treatment: any Constitution we come up with, everyone should be treated equally, no special status. We have that theme coming at us very strongly.

You talked about principles, and I think one of the principles that at least I feel is that we should honour our agreements. We're sort of bound by some of the things that have happened in the past which we cannot change very easily. Part of that's the proclamation of 1763 which gave aboriginal rights to our native peoples. The treaties which we have effected in fact do confer special status upon our native peoples. We have the proclamation act of 1763 which gives the French Civil Code to the people of Quebec, guarantees the French language, separate schools, and other issues. So we have this theme of treating people equally, but we're bound by agreements and constitutional traditions. Do you think we should unilaterally break those agreements in terms of coming up with a principle of equality, or do we renegotiate this? It's quite a conundrum in my mind: breaking faith with some of these traditions and agreements that we've had in the past and trying to bring into a constitutional process this concept of equality and equal treatment.

MR. C. BRYANTON: We cannot trust a government that breaks agreements. We must honour our agreements. We must be honest above all else. However, there is much more benefit to Canada today than there was a hundred years ago. We are providing more. Surely there are opportunities to negotiate towards a Canada that does provide equally for its citizens. It's a goal, and as soon as you define something in the Constitution that's against that goal, that breaks the fundamental principle of equality of races, where does it lead? What of the minorities? Do they really want that principle not to be enshrined? Do they really want that for future generations? Who knows? Maybe one day the majority will take back over this country and democracy will rule again. Do they want nothing in the Constitution that says that the races should be treated equally? I think not. I think if they really consider it, they should above all hold that fundamental principle dearly. We should negotiate with them, take a look at the advantages, the additional things perhaps we're giving to them over and above whatever agreements we've made, and trade off, certainly, but not put items in our Constitution that would forever break our chance of attaining that goal. I think there are opportunities to negotiate.

MR. CHAIRMAN: Thank you very much. Fred's put a finger on something that's very difficult, however, and what you're saying is you wouldn't break these agreements; you would want to negotiate them away in exchange for true equality.

Okay; Gary.

MR. SEVERTSON: Thanks, Mr. Chairman.

Thanks, Cliff, for coming out. You've really put a lot of thought into this. I was intrigued with your Senate proposal; it's the first time I heard one quite like that.

One area you mentioned was that you didn't want party involvement in the Senate. Have you given much thought to how an individual could run a campaign with a minimum of 100,000 people, or would we just get the wealthy or a person that can get support from wealthy people?

MR. C. BRYANTON: I understand. I hear you. My concern there when I said "an independent party" is that the person should run with his own name, not "as a representative of." All right? So on the ballot there would be no PC, no Liberal, or whatever. He should run as his own name.

I recognize that it costs a lot of money to run an election, and there will be parties involved, no question. Everybody will be partisan to some degree. I mean, it's just not possible any other way. I've thought about ways in which we can get around that. Maybe we would even fund or provide a process by which the Senators would be elected. I am not quite sure about that, but I have thought about it. I will go so far as to say that on the ballot he should run without a name - Liberal, or a party line behind him - so that when he gets into the government, he can't be held accountable by saying: "Well, we got you elected, and they elected the Conservative Party. They did not elect you." That's the thing that I think we've got to avoid, because they're going to be making decisions on that basis for the people.

MR. SEVERTSON: It would be quite different even with an election compared to being appointed by the Prime Ministers as we presently have.

MR. C. BRYANTON: That's true.

MR. CHAIRMAN: Thank you very much, Cliff, for your interesting suggestions and for coming forward and expressing them with such eloquence and obvious deep conviction.

Mildred Nanninga is coming forward next, I believe. She was originally scheduled to be on at 4:30 but has been with us all day, has been observing. We'll be pleased to hear your comments.

MRS. NANNINGA: I really don't have too many. I had a few problems so I wasn't able to prepare well for this.

Constitution and the future of Alberta and Canada. I thank you for allowing me a chance to express my views. I'm a fifth-generation Canadian, and yes, I do believe that Canada should remain a nation united. We must not allow any province to become separated from the rest of us. I have visited all the provinces but Newfoundland. Each have their own ways of making a living. I spent time in Quebec, and I know some of the history of the province. My ancestors came to this great province after General Wolfe defeated Montcalm on the Plains of Abraham, and I've walked many times the Plains of Abraham. I was disappointed to see what happened to Wolfe's monument too. Many English-speaking people helped build that province.

The word "bilingual" is ripping this nation apart. Bilingualism is costly as there is so much printed in both languages and a large portion is just thrown away. We're not looking after our environment either while doing such things as throwing out paper.

The Constitution should state that the federal government shall not spend money on multiculturalism. The federal government should endorse a program so that Canadians and new Canadians can learn the history of Canada. I have heard new Canadians say that they felt they have not been taught enough of the history of Canada, which they get taught in other nations. We know our cousins to the south are proud to be Americans. We should be proud to be Canadians.

I felt that Mr. Peter Wadman's statements this morning about Quebec were very good. They are a friendly lot of people.

I believe that English should be Canada's official language in all provinces and used in the legislation, French only as a second language in the province of Quebec as this was granted to the French in 1763 when the British conquered New France. It has been reaffirmed at least three times since, the last time by one of our former Prime Ministers, Mr. Trudeau, in 1982. There are more than French-speaking people in Quebec. I have spoken with the French people there who are trying to learn English. They feel that they want to be part of Canada.

3:05

I grew up in an English/French community in Alberta where we thought of ourselves as Canadians, and so did our parents. Canada has accepted people from all over the world who have come here with hopes and dreams; if you notice my name, it is neither English nor French. They have come from different cultures. They have learned our language. Canada has been a country of freedom, for individuals should have the right to teach their children their culture at home.

Aboriginal people should be allowed to govern on their reserves as we do our municipalities, including the policing. I have sat at conventions with the natives, and I feel that they really know the meaning of life. We should give them a chance to use their beliefs on their reserves unless it's a federal offence, and then I feel that we are all under the same rules.

The roles and responsibilities of the federal and provincial governments need to be defined so that we don't have duplica-

tions. What was wrong with the first Constitution of 1867? I haven't figured that one out yet. Was there someone wanting to change our nation to French?

Governments, federal and provincial, should have a limitation on what they can spend. We find ourselves going deeper in debt in many cases, and I don't believe that we need to.

There should be a limit on what individuals can receive as pensions. I feel this way because as I watch people get raises throughout the area, I realize that every time we have a strike, it's because they want a raise because of the percentage - 70 percent or whatever it is if you're a civil servant - you're going to be paid as a pensioner when you retire. The higher your wages, the higher the pension. Can we the people who have not got very much to live on in the first place because we're paying so many taxes provincially and federally - what are you going to do with those people? We've got generations coming up; we're putting more and more people on welfare, and they like it.

Our national resources should belong to each province. If they are to be sold to another country, then the clause should be made sure that all the provinces receive a share.

We should preserve our Canadian heritage with respect: our RCMP in their traditional uniform. This country was built on Christianity. We have never prevented any other religion, but I don't believe it should fall into our heritage. Our RCMP and armed forces should not have to be bilingual. In the case of a war it is the quick thinking officer who will save lives; it doesn't matter whether they're bilingual or not.

I as a proud Canadian felt that it was wrong to choose *O Canada* as our national anthem when we just sing the first verse. Many eastern Canadians at the time were singing *The Maple Leaf Forever*, which detected the history of this country.

I also hear that some people are wanting 16-year-olds to vote, and I feel that 16-year-olds don't even know what they want to do with their life. I don't believe in 16-year-olds voting; I think it's nice that our 18-year-olds do, because they do serve our country at that age, but a 16-year-old has not even completed high school and really doesn't have much knowledge on what is happening in the world.

Quebec does not have the right to separate. If we allow it, are we looking at another Louisbourg? I'm sure you folk know the history of Louisbourg.

We do need Senate reform, and up until late this afternoon I thought the triple E was good, but I was certainly glad to hear other opinions. I thought Cliff, who spoke just before me, had many good ideas, and I think you should really take a look at that.

I'd also like to have the ministers of different departments in the federal government divided up equally throughout Canada. We find that a lot of them are down-easterners, and they really don't know about what is happening in the west. If we were to divide, and if they were, say, from Prince Edward Island or Nova Scotia, when they changed, then the next one should be appointed from the west or central Canada.

We should have a set time for federal elections.

This is an English-speaking country, and I keep hearing about how we immigrate everybody else but the English. If this is so, I think it should be changed, because we do need English-speaking people here also.

We need an environmental law as a nation but with input from all the provinces. I was very impressed this morning, just before noon, when the Harrisons gave their presentation. I thought they had many good ideas, and I hope you pick up on those too.

I thank you for giving me this opportunity as a Canadian to speak to you, and I do hope that this goes well. I'm seeing we have to change the Constitution; I hope we do a good job for the generations to come.

Thank you.

MR. CHAIRMAN: Thank you, Mildred.

Ms Betkowski has a question, and Barrie Chivers.

MS BETKOWSKI: I assure you we all have the same hope that you just expressed, and that's why we're here.

I'd like to get into the issue of multiculturalism if I could, because as you've heard today, it's been a subject that's been discussed quite a bit here in Rocky Mountain House. It seems to me that people are concerned about creating an environment where you isolate one group of people from another by giving government funds to support the culture of that particular group. There seems to be concern expressed about that here, and that's not unique to Rocky; we've heard that before. There's another side of it, however. The other side is: if someone comes to this country and doesn't speak English and needs a little help in assimilating into the Canadian culture, should that be a role for government? I'd be interested in your thoughts on that.

MRS. NANNINGA: Well, we have English as a Second Language, which is being paid by the federal government; that doesn't come into multiculturalism. I have seen a lot of money spent locally on multiculturalism, and I feel that that is a waste. If we want to do something to integrate and mix people up and get them to learn about our country, then there is a way of doing it, and my way of thinking is that the federal government go back into student exchange, 4-H exchange, and things like that, so our young people can see how other parts of our nation live. I don't think there was a better program. They did away with it about a year and a half ago. I think it was April 1 of 1990; it could have been '89. I think that was wrong, because those student exchanges and those 4-H programs have done a lot for people and especially those who have gone from the province of Alberta to Newfoundland, to Prince Edward Island, or even Quebec. I lived in an area where the student exchange went three times to the province of Quebec. Those students came back feeling far different about Quebec, and I'm sure our Quebec students felt quite different about us Albertans.

MS BETKOWSKI: I agree, and if you don't mind, I'm going to ask it again. I agree: the student exchange for a broader understanding of what Canada's all about. What about the little kid from Vietnam that moves to Rocky Mountain House? Should that child be assisted in learning English in a special way as part of their school system?

MRS. NANNINGA: They are.

MS BETKOWSKI: Okay. And you don't have a problem with that element, then, of what some would call multiculturalism.

MRS. NANNINGA: No, I certainly don't. We're making them a Canadian the same as every other child. If we had a handicapped child we would look after them; therefore, we should look after anybody that doesn't speak English. Here in Rocky Mountain House we do have French immersion.

MS BETKOWSKI: No. I know. Okay. I just wanted to make sure that distinction was there. Thank you very much.

3:15

MR. CHAIRMAN: Barrie Chivers.

MR. CHIVERS: Tomorrow we'll be hearing . . .

MR. CHAIRMAN: Actually, Barrie, Friday. Friday morning.

MR. CHIVERS: Friday. I'm sorry.

MR. CHAIRMAN: I'm sorry; I forgot to mention it to you here.

MR. CHIVERS: Yeah, I'm a day ahead. Right.

On Friday we'll be hearing from Mr. Parizeau, the leader of the Parti Québécois, and I expect he will be trying to persuade us that separation is in the cards. I'm just wondering, if you could be there, what your message for Mr. Parizeau would be?

MRS. NANNINGA: Well, first I'd have to hear what he had to say to know how I would react, because you can't react to something when you don't know what somebody is going to say. I personally feel that Quebec belongs to Canada and that those people there are quite willing to stay with us. I'm sure there are many French in Quebec – the ones I talked to back in '77 in Quebec City, in Inverness, Quebec, or Sherbrooke, Thetford Mines, in the eastern townships, as they may call it, all had concerns. I have been there since too, but the ones I talked to before the last referendum certainly wanted to be Canadians, and had a lot of concerns.

MR. CHIVERS: Mr. Parizeau, of course, is attempting to persuade Quebecers that they should separate from Canada.

MRS. NANNINGA: Right. But didn't General de Gaulle get the people to come in from France after our last war to do this to Canada? I read part of the book *Conning the Canadians*, and maybe we all should read it.

MRS. GAGNON: I agree with you. I think the rank and file Quebecois is a strong Canadian and wishes to remain in Canada; I'm quite certain of that. But if your proposal that 7 million French-speaking Quebecois have English as an official language were imposed, I think that would definitely finish it. To me it's ludicrous to expect 7 million people who are French to have English as an official language.

MRS. NANNINGA: But they don't mind running around with their cameras and knocking all the English signs down. I think that's ludicrous too. At the same time, I didn't say to do away with the French language; I said they had the right . . .

MRS. GAGNON: No. You said their official language. Can you imagine here if you said that French should be the official language of Alberta?

MRS. NANNINGA: Well, let's face it, how many English have we got in Quebec yet?

MRS. GAGNON: There's a million there, and there's a million Francophones outside of Quebec. There are a million French-speaking people there.

MRS. NANNINGA: Yeah, but there's a million English in Quebec.

MRS. GAGNON: Right.

MRS. NANNINGA: We don't have a million French in Alberta, so there is a difference.

MRS. GAGNON: No, but you do have 7 million people in Quebec who speak French.

MRS. NANNINGA: But there is a difference.

MRS. GAGNON: I don't want to argue with you.

Another point I also want to make. You said many English people helped to build Quebec. That's absolutely true, and we value that.

MRS. NANNINGA: I hope so.

MRS. GAGNON: I would wish that people would know that many French-speaking people helped to build Alberta, my parents being pioneers here.

MRS. NANNINGA: I certainly bet that they still want to be Canadians, as much as my relations who are still in Quebec want to be Canadians.

MRS. GAGNON: Absolutely. Right; I agree with you.

MR. CHAIRMAN: Well, thank you, Mildred, for coming and being a faithful listener and attender this afternoon, and for your presentation.

We have two more presenters. For the members of the committee, Richard Gehrke has now withdrawn, so you might cross that name off if you haven't already done so. We're waiting to hear from Shirley Gish and Noreen Fortin. If they're not yet here, perhaps we could take an adjournment at this time and wait till they arrive.

[The committee adjourned from 3:18 p.m. to 3:45 p.m.]

MR. CHAIRMAN: Could I ask that we reconvene? [Not recorded] into the room, please.

We'll just be a moment. I'm sorry. I thought we were all in the room.

All right. Thank you very much for coming to talk to us this afternoon. We're putting you on slightly earlier than your scheduled time of appearance, but we are running slightly ahead of time. We welcome you and ask you to please make your presentation.

MRS. GISH: Okay. I have three concerns that I would like to put before you today. I'll be as short as I can.

The first one is the abortion laws. I have a bad time with that. I believe that the fetus is a person in its own right from conception. I hear from people, "Well, if you do an abortion in 14 weeks," or whatever that number of weeks is. It makes me wonder when I hear that the fetus is not a body; then how does it grow to be the 14 weeks or whatever that it's safe to do the abortion? I think that the rights of the fetus need to be protected. I hear ladies say, "Well, I have the right over my own body." I have no argument with that, but in this area I believe the right that she has over her body has to be before she gets into bed, not after. In this day there are so many contraceptives on the market that I really don't see why there need be abortions. When I was growing up, there weren't any. I didn't want

any children, but the good Lord blessed me with four, for which today I am eternally grateful. This is my petition on abortion.

The second one I have is capital punishment. I have trouble with this very much, because it isn't right to take a life. But, on the other hand, what about the lives that are taken of people, like little girls who are molested, like this little three-year-old girl not too long ago in Ontario who was tossed in the river after she'd been raped and molested? That I do have a big problem with. Anyone who does these dastardly things – to me they are dastardly, especially in the area of children. Whatever did they do to deserve something like this? Invariably, the perpetrator is put into a mental home for a psychiatric going-over, and then within some time he's out again. Many times the crime that he had committed the first time is done again. I feel that everyone should have a chance, but I also feel that if he's done it the second time, then he has lost his right to be called a human being.

Along with this, I have something to say about the Young Offenders Act. I am of the opinion now that our young people are getting completely out of control. When they hide behind the Young Offenders Act, they are committing crimes that are adult crimes, but they are being shielded because they are not 18 years old. I have two examples. Our school was burnt down. It was millions of dollars for the two schools to be rebuilt. There was one person that took the whole blame because he was 18; the rest were under 18. Of the other three, there was never anything said or done that we ever heard of again. Just recently some people were on a holiday. They locked up their house. People were looking after it, but on Saturday night some kids decided to have a party there. They broke into the house. They were drinking beer. They totally wrecked that house. Their furniture was all out in the front yard, and the inside of the house was a total disaster. But they were all under 18, so there has been nothing done with them. I don't mean to say that they should be put in jail, but they must come to realize the consequences of their actions, or when they're 18 or 19 or 20, they may be out holding up gas stations. If they don't have any retribution to have to pay, then it's just a lark for them. When our school was burnt down, if one of my boys had been in on it, he would have had to go out there and clean up that mess and work his tail off helping to clean up the terrible mess of that school.

That is what I have to put before you, and I thank you very much for hearing me out. I've never done this before, so I'm acting very, very nervous. Thank you very much.

MR. CHAIRMAN: Thank you very much, but don't go away. We may want to have a discussion with you. And feel relaxed. As I said earlier, we've never bitten anybody that came before us, although sometimes we've felt that some of the presenters wanted to bite us.

I'm interested in your concerns, and they do relate to issues which now are the sole responsibility of the federal government rather than the governments of the provinces. Nonetheless, we are looking at the issue of such things as the Charter of Rights, which is part of the Constitution of Canada, and the division of responsibilities between the provinces and the federal government in the Constitution. So the concerns, while they are not at this moment directly ours as a government in the province, are obviously of real concern to you.

One of the things in particular that has been suggested, and I would also have to say very strongly opposed, on the other hand, by some presenters, is the notion that in the Charter of Rights fetal rights be included; that is to say, the rights of the



fetus be entrenched in the Charter of Rights and protected in that way. Had you thought about that?

MRS. GISH: Yes.

MR. CHAIRMAN: From what you've had to say, I take it that it would be your view that that should be done.

MRS. GISH: Yes.

MR. CHAIRMAN: That would be a major step to be taken, obviously, and so we do want to know people's views on that if we are going to be discussing the Charter and changing it in any way as we move through this process with our colleagues in other provinces and the federal government.

Yes, Barrie.

MR. CHIVERS: Yeah, if I might just follow up on that question with respect to the Charter. I take it, then, from the fact that you would like to see fetal rights included as a constitutionally entrenched right, that you don't have any difficulty with the concept of a charter of fundamental rights and freedoms.

MRS. GISH: No, I don't.

MR. CHIVERS: And you would support that.

MRS. GISH: I would support it, yes.

MR. CHIVERS: It's a question of what's in it that is of concern to you, the absence of fetal rights. Thanks.

3:55

MR. CHAIRMAN: Right. It's an interesting dilemma, of course, because it was the Charter, interpreted by the Supreme Court, which negated the previous Criminal Code provision on abortion. So it's an interesting situation we have to look at.

The other two topics really are basically federal issues. Are you in any way suggesting that they be transferred to the provinces, in terms of either the issue of Criminal Code matters, where the capital punishment issue resides, or the young offenders legislation? Or do you believe those laws should be uniform across Canada, which is what we have now by the federal government having the Criminal Code and the Young Offenders Act?

MRS. GISH: Well, I guess probably across Canada. I feel that we really do need to direct these minor children into a better way, and I don't see that anywhere across Canada they are made to be responsible for what they're doing.

MR. CHAIRMAN: Well, unlike the United States in matters of criminal law and young offenders legislation, those laws apply uniformly across the country because they are federal laws. In the United States, of course, there's a different situation, where some states have the death penalty and others do not. You're not advocating moving to that?

MRS. GISH: No.

MR. CHAIRMAN: Okay. That's helpful for us to know, because quite frankly we haven't had a lot of people urging criminal law devolution to the provinces, and no indication on

the part of many of my colleagues that they want it. In any event, that's helpful to us.

Any other questions or comments?

Well, thank you very much for coming forward and giving us your views, and thank you once again.

MRS. GISH: Thank you.

MR. CHAIRMAN: Now, we have one further presenter, Noreen Fortin, who I understand teaches school in Caroline and is on her way here. She'll be arriving relatively shortly, so perhaps we'll take another break.

[The committee adjourned at 3:57 p.m. Having waited until approximately 5 p.m. and there being no more presenters, the committee did not reconvene]

