

1:05 p.m.

Friday, September 13, 1991

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Colleagues and ladies and gentlemen, I think you should know that we have some sandwiches coming, but until they arrive, I think we should continue with our presenters, who have increased to five from three.

I call on Sheila Clayden. Welcome.

MRS. CLAYDEN: Thank you.

MR. CHAIRMAN: Go ahead, please.

MRS. CLAYDEN: My name is Sheila Clayden. First, I'm a Canadian; secondly, I'm an Albertan; thirdly, I'm a Calgarian; and fourthly, I'm fifth generation Irish immigrant.

I feel that no province should have special status over another in Canada, that all provinces should be equal.

On bilingualism. I feel that Canada should not have two official languages. I feel that English should be the first language. If people wish to have a second or third language, then it should be up to them to make the choice of what that language is. If provinces wish to use a second language, it should be the choice of the people in that province to determine which language they wish to use. Many of our provinces have other ethnic groups in greater numbers than French. Everyone should be encouraged to have a second language, but it should not be mandated by the federal government. A tremendous amount of money in Canada has been wasted by the forcing of the French language on all packaging, signs, et cetera.

I feel that education should remain under provincial control; however, I would like to see some national standard of grading system to enable students to move from province to province without being penalized.

On the triple E Senate. I think it should be part of the constitutional package. The Senate in its present form is noneffective. An elected Senate would be the best forum to ensure that regions of the country have a voice in decision-making. There should be a term set for each Senator and a time for retirement; the Senate should not be a place for people to be appointed for life with a big pension. There needs to be a minimum set for their attendance too. Senators need to be accountable for the position and the time or the lack of time spent on the job.

I would like to see a cap on immigration, particularly when many of those who immigrate become a burden on our health and social systems. We should get away from encouraging ethnic groups to remain ethnic but should be encouraging them to integrate into the Canadian culture. This doesn't mean that they can't keep their heritage, but they should become aware of the fact that they are Canadians. When they continue to be encouraged to continue their old ways, I don't think they ever gain a pride in Canada.

On social services. I think the provinces should be given more responsibility in the social services field. It's unfair for the central government to target some provinces for cutbacks and transfer payments, while not allowing them to use other methods of raising sufficient funding to cover these cutbacks.

On aboriginal affairs or rights. I think it's time we quit saying that we're sorry for the deeds of the past. This is Canada and time everyone in Canada was a Canadian. It's time the aboriginal people found out what it means to be a Canadian. If necessary, give them back their land, but with these land grants

comes the right of every Canadian. We pay taxes, we pay for our children to be educated, we pay for licences, we work, and we take responsibility as Canadians. I really don't think we're helping our aboriginal people by continuing to pass out more and more money while they assume less and less responsibility for that money.

Again I think all provinces should be equal and that no province should have its jurisdiction altered or taken away without the consent of the province or the people of the province.

I think natural resources should remain under the control of each province.

On Quebec. I think Quebec should be encouraged to remain in Canada, but only if Quebecers want to be Canadians. If they want to remain only as Quebecers, then maybe they need to separate.

Finally, I feel we must get back to the concept of Canada as one nation, all equal. I think our biggest problems have come about because of regional, ethnic, and language groups each wanting their own power instead of working together as one nation. If we would think of Canada first and our province, our city, our origin secondary, we'd all be better Canadians.

Thank you.

MR. CHAIRMAN: Thank you, Sheila. You made a point with respect to the uniform standards of testing children in schools – education. I don't know if you're aware that the provinces unanimously agreed, including Quebec, to a system to be put into place to do just that, but within the last year the Ontario government withdrew its support from that particular proposal. However, at the most recent Premiers' Conference in Whistler, with discussions with the Premier of Ontario, he indicated quite clearly that they want to reopen that question and have some more discussion with the very goal in mind that you have suggested to us; that is, to come to an agreement amongst the provinces by which there would be standardized testing. I think that – if it succeeds, and I certainly hope it does – will go a long way to meeting the concerns that have been expressed many times in the course of our hearings. I didn't know if you knew that was in play at the moment, so I thought I'd just mention it to you.

MRS. CLAYDEN: No, I wasn't aware of that. Thank you.

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

MRS. GAGNON: Just quickly on the matter of immigrants. I don't know if you were here earlier today when the Calgary Multicultural Centre people were here.

MRS. CLAYDEN: No, I was not.

MRS. GAGNON: They gave us a number of statistics and so on to show that the arrival of our immigrants has been an economic benefit and not a burden – there are a few exceptions, but overall it's been a benefit – and that we should look at their presence here as a boost to our economy. I just wanted to make that comment.

I want to ask you a question. You mentioned right off the bat that there should be only one official language right across the country. You wouldn't apply that to Quebec, surely, where there's 7 million Francophones.

MRS. CLAYDEN: I still think English should be the first language, and as I expressed further down, if a province wants a second language as a second official language, that would be up to the province themselves. So Quebecers would have the right to have their French as a second language, but I feel very strongly about English as the first language in Canada.

MR. CHAIRMAN: Any other questions or comments?

Well, we appreciate you coming forward and giving us your views. Thank you.

MRS. CLAYDEN: Thank you.

MR. CHAIRMAN: I understand Barry Rust is present. Yes. Would you like to take an earlier time slot than the one in which you had been scheduled?

MR. RUST: Sure. If it would be of convenience to the committee, that's fine with me.

MR. CHAIRMAN: We did run behind, as you're probably aware, because of Mr. Parizeau's lengthy discussions with us, so we're just in the process of trying to accommodate anybody who is here and wishes to make their presentation. Perhaps we could hear from you now.

1:15

MR. RUST: Basically, I guess what I have prepared, which was done on an informal basis, you either have in front of you or will. It's my intention to speak generally to the subjects that are written there. I was not particularly trying to follow any particular format or agenda. The reason I wanted to be present before this committee, after some considerable thought, was not a lack of access to expressing my views through the normal political process, since I've been involved in it for some time, but I have felt as a native Albertan and as I had suggested when involved in the process that I'm exceptionally concerned with the events that are unfolding in this country and the relationship of Alberta to Canada. I felt that what I particularly wanted to do is underline the importance of a position already adopted by this province with respect to provincial equality, and in particular a triple E Senate. Now, I also have views as to how certain aspects of the Constitution might be constructed, but I'll leave those to the normal democratic process.

I spent some 15 years in the publishing industry and will partly be speaking in relevance to two books: one, *Canada's Undeclared War*, which was published by my company this summer – it was written by the *Calgary Herald* book critic Kenneth McGoogan and refers basically to the cultural divisions in Canada – and also *Keeping Canada Together*, by Kenneth McDonald, which was distributed by Milestone and in fact distributed throughout the rest of Canada outside of Vancouver by my company.

For those interested in my prejudices, I am a past-president of a Liberal association, and I currently serve on the executive of a Liberal provincial constituency association.

I am particularly concerned that the history of western Canada is a history of reactive politics. It has basically been one of finding means by which we react against processes and concepts and legislation that come out of other parts of Canada. The last 25 years have seen an abundance of situations, primarily through the federal government combining the interests of Ontario and Quebec against other aspects or other parts of Canada.

I feel particularly that the suggestion and a principle that the current Alberta government appears to have accepted, that protection for Alberta can be found in a realignment of federal and provincial powers, is, in my view, fundamentally flawed. While indeed a transfer of power from the federal government to the provinces would reduce much of the authority of the federal government, which is answerable to Ontario and Quebec, it would nevertheless enhance the means by which those provinces could assert their authority either directly or indirectly. In short, in a country that's dominated by two provinces, granting greater provincial authority merely enhances the comparative position of those provinces. If some realignment is inevitable, and I would agree that it probably is, then it would also appear to me that the only possible balance can be a triple E Senate.

For those who are concerned about the current deficit in Ontario, it does not take a great deal of imagination to look at a comparable situation with a government with a similar attitude to what exists now: what the situation would be if that economy was twice its size. Granting more particular power and authority to Ontario would lead very, very quickly to exactly that if not more. The question then – and this government has expressed its concern in the past with the attempts of the Bank of Canada with respect to the overheated economy of southern Ontario. Imagine again doubling that and trying to suggest how, even if you had the right as a province to make your own trade deals, you would work with the value of the dollar, trade deficits, and a number of other things. In other words, what I'm suggesting is: the problems that have continually confronted this province and other provinces in western Canada would be doubly confounded and increased appropriately.

The worst case scenario I would suggest to you is a Canada that would be desperately in need of national co-operation in terms of business, environment, health, or educational concerns only to find its objectives are at variance with the perceived needs of Ontario. I was present last night, Mr. Chivers, when you approached some concern with respect to a national standard with regard to education and were worried that it would be the lowest common denominator. That would be a legitimate concern in my view. I would also suggest to you, though, that it would likely in many respects, even under existing operation standards in this country, be what Ontario wants and everybody else can adapt to it if they want a national standard. If not, Ontario will carry on as it is, thank you very much. I am suggesting that those who have experience running national organizations – and I do, in fact, have that kind of experience – only become too acutely aware of what happens when Ontario says no. I know that when you begin to tailor programs, you begin to look at them to see whether Ontario will buy them, because there's no point in even starting it unless Ontario is going to buy it. Immediately you recognize the bias; you're not even being fair, but in order to work with an existing reality, you have to do it. And Ontario: one cannot blame them; if the rules are the rules, they will play within the rules, but they are well aware of the power and the control that they have and govern themselves accordingly as well.

I'm suggesting to you that it is speculative whether a decentralized Canada, even with a strong, effective triple E Senate, will actually make this country work, but I am suggesting that if we don't have that kind of Senate, it will not work. With the projections for new social objectives to be entrenched in the Constitution, an ever increasingly litigious society, and the current structure of the Supreme Court, a Canada with increas-

ingly irrelevant provinces outside central Canada is going to be inevitable.

Now, pressure indeed is going to be brought to bear on this province to accept a new vision of Canada which would primarily be based on the perceived needs of Quebec and modified through the demands of Ontario. I participated in 1961 at the University of Alberta in an exchange program of Quebec students looking at the views of the future of the province and the so-called quiet revolution at that time. I first confronted the concept of separatism and I've spent a good deal of my time both in terms of talking and working with Quebec people and also the so-called western separatists a decade ago. I fully believe that we can never give up on the country, but I do think that we finally have to position ourselves into a view of the kind of country that we want, the kind of country we think is workable, and stick to our guns, because there's very, very little point in working to save Canada if we end up with a structure that will eventually rend itself apart 25 or 30 years from now.

As far as Meech Lake is concerned I was never a great fan, but in the end I was prepared to accept it if only because I thought it would give us some time in which to work. I feel now that since that has fallen aside, we might as well put something together that will work, or give up on the cause. Therefore, what I'm saying to you is that Alberta must be firm. I believe we can afford to be flexible. There's nothing wrong with special arrangements in different provinces to meet special situations; witness the traditional use of Quebec civil law. We can afford to compromise. A refinement of Senate powers and procedures can be entertained, particularly those that would serve to protect Quebec's cultural, economic, and other interests. We can afford to be patient, given concessions on the substance of the view of Canada that will undoubtedly come in the next year or so from Ontario and Quebec, and I believe we can afford to gamble on the future of this country by accepting a Senate that isn't a triple E but at least has the capability of developing into a triple E.

I would do everything within reason to accept a Canada we might not think would work but at least has a chance at working to make sure that Canada is given every opportunity to work, but what I cannot accept, and what I suggest to you this province should not accept, would be any constitutional formation that would lock the door to a triple E Senate forever and in effect nail it shut. That would then doom the citizens of this province and the citizens to come and would be a mockery of the heritage that we have today. There can be no capitulation, in my view, on this point, and if meaningful Senate reform is to come or a Senate that is not acceptable to Alberta is forced upon us, then Alberta, too, would eventually explore all of its available options.

In my view, we will emerge as a nation only when and if all provinces and regions are subject to the disciplinary direction from a majority of people in the provinces; such is the rationale of federated states and the only means by which they can be successful.

I would like to just close it by giving you two particular directions. One does come from the book *Canada's Undeclared War*, by Kenneth McGoogan; you have it before you. This comes from an excerpt of a letter he is writing, but in my original letter I declared Quebec independence a nonstarter. I now think separation would be traumatic for all Canadians, tragic for Quebecers, but it looms like the lesser of two evils; the greater would be the deconstruction of this country and the denationalization of Canada.

I've never been a great fan of American politics, but I do find myself occasionally attracted to some of its individuals. I've

always been particularly attracted by a statement that was attributed to Robert Kennedy: some people look at the world as it is and wonder why; I prefer to look at the world as it could be and ask why not. I think that basically what we have to do with Canada is look at Canada not as it has been or even as it is but look at Canada as it can be.

A former colleague of mine and a colleague of some of you around this table, Tom Sindlinger, addressed western separatism some years ago by saying that Alberta doesn't have to leave Canada because Alberta can lead Canada. I still believe that, and I think we have. If we look at the existing Constitution, the impact of our former Premier is very evident there. If we look at what this province did a year ago with electing a Senator, I think we made an evidence that we can have a leadership role in this country, and I think the time for it now is greater than ever.

1:25

My dream, frankly, is a Canada that when the next national energy program comes – and believe me, eventually it will come – it is stopped, that it's stopped in its tracks in the Senate, and stopped primarily because the senior Senator of Quebec, if I can be given a little leeway to have such a thing, stands in his or her place and addresses the fact that it's unfair to the province of Alberta. Now, he or she may have been bought. There may be a tonne of IOUs out there; there may be a number of threats brought. Nevertheless, the point is that that Senator stands and speaks on behalf of Alberta. Whether it's the coffee shops of Rolling Hills, Two Hills, or Three Hills or the bars of Edmonton or Calgary, the subject that afternoon and evening would be: there's a Canadian; there's a guy that you never thought too much of before, but by George, he did something for Alberta and for the country. When it comes time to pay it back, when an Alberta Senator stands for something with regard to Quebec nationalism, likewise it will be accepted in this province. We may have just been paying our dues, but the debt was owed. That, I think, is when we start to become fully a nation of all peoples and all backgrounds. I look forward to the kind of Canada that it can be.

Thank you.

MR. CHAIRMAN: Thank you very much, Barry.  
Bob Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. Mr. Rust, you sort of admit, I guess, in your presentation that Ontario has a way of protecting what they see as their interests and holding up change. What do you think are the arguments that would convince Ontario that they ought to adopt a triple E Senate? Assuming that you were to get such a change in our Constitution, we would need either Quebec or Ontario to accept it.

MR. RUST: Well, you're right in interpreting my view. In fact, I'd go even further. I do consider Ontario to be the great villain of Confederation, not Quebec. Quebec is reacting, really, against the power of Ontario as much the rest of us are. In fact, they probably see the rest of us as being irrelevant, outside of Ontario, to be frank about it. I think the only argument that can be used is an argument of fairness. Is that going to accomplish it? No, I don't think so. It's a weapon that's to be used. In this case the weapon is Canada. If they want a Canada, they too have to play ball. I dislike the thought of attaining it by playing hardball with the future of our country, but the issues come along. We may wait another 25 or 50 years

before we really have something that will be equally important to Ontario.

I think what I'm saying is that we're opening up all of the country and its constitutional processes for discussion, and now is the time. It's the threat to either torpedo or play a role in that, unless all provinces have a degree of equity, that I think would give us an opportunity. But beyond fairness, I can't think of another argument that's going to sway Ontario, and I have done a lot of thinking about it. I've never come up with one.

MR. HAWKESWORTH: Okay. Thank you.

MR. CHAIRMAN: Barrie Chivers and then Dennis Anderson.

MR. CHIVERS: Yes. Thanks for your presentation, Barry. It was very interesting. I don't disagree with your analysis of the lowest common denominator theory, but I think it has equal sway with the highest common denominator theory, that the province of Ontario, for example, can impose its will. I guess that really highlights the theme of your presentation here, the tension between representation by region and representation by population, and the solution you see is in the Senate. That, I suppose, is going to be one of the delicate tasks that we have to balance. You've sort of suggested, I take it, that although you would like to move towards a triple E Senate, you're prepared to accept something less than triple E. I'm just wondering if I construed you correctly and, if so, what that something less is.

MR. RUST: I don't know where you back off. In the end I suppose it's up to whoever is representing this province and makes the final decision, that being the Premier. Yes, I think that even Meech Lake in the end, or the final concessions, gave a Senate capacity that would have allowed all of the other provinces to have ganged up on Ontario and Quebec. Technically, it was possibly there. That's just a hair over the line, but maybe that's the line that . . . I would hate to have to settle for something that small. But yes, eventually at least something that does permit the rest of Canada to exert its will upon the two central provinces, if only in a negative capacity, by saying, "No, we won't have this."

A lot can be done with respect to powers. Indeed, as the government committee had recommended, there can be combinations of vetoes and suspensive vetoes, and I even think, really, a suspensive veto in the long run would work, would be sufficient. I don't mind bowing to democracy in the end if that's what it comes to, but the Senate has to at least be powerful enough to force them to know what they're doing and to recognize in front of the entire country that when they jam it down our throats, it's exactly what they're doing. That in itself is probably enough clout to actually ensure a degree of fairness in the political process.

MR. CHIVERS: So I suppose it would come down to doing some playing around with the effectiveness concept, what the jurisdiction of the Senate would be, and the equality concept, and coming out with some sort of a solution that is realistic in terms of being able to sell it in Ontario.

MR. RUST: Yeah. It wouldn't vary much with the equality. I think equality is equality, so I don't see too much room to play around there. Effectiveness will be debated, yes. There's always going to be a positive and a negative. Are you overselling the effectiveness, or are you underselling the effectiveness? Of course, as an Albertan you'd like to oversell it; as an Ontarian

you'd like to undersell it. But at least there has to be enough punch there that it's really going to tie up the conduction of political process in this country. It at least has to have that much power so that it will come at the price of other legislation and a number of other things. I guess I perceive a veto for the Senate, but something that could be passed a second time by Parliament, and if it's passed by a sufficient majority, then it would be binding on the Senate provided a year or something like that had gone by, enough time to reconsider their whole position.

MR. CHIVERS: I appreciate your thoughtful analysis.

MR. CHAIRMAN: Thank you.  
Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. Barry, I appreciate your support for the triple E Senate. I chaired the committee which made the recommendation to the government. Just by way of comment, I think there is an argument for Ontario and Quebec, albeit not as strong as the argument for the rest of us, for a triple E Senate. Essentially, what I've found relatively effective there is a question to them of: do we need a sober second thought, another House? Secondly, isn't an equal share of something worth more than 24 of what we currently have? To some degree I've found that effective.

In any case, I got a little lost on your portion dealing with distribution of powers. I found intriguing the suggestion that giving powers to the provinces would give Ontario more authority. Are you speaking purely of devolving economic powers of some sort, or is there some other area you think that would be true in?

MR. RUST: The economic is probably the most significant, but of course the economic overlaps in so many different areas. You have the traditional case of the farmer cursing the CPR at the hailstorm, as the cartoon of many years ago.

In my own family, when Social Credit came into power in this province, they canceled all debt, mostly because it was supposedly owed by Ontarians. My grandmother was one of the people who had her bonds virtually rendered useless, eventually paid back some years later at face value but no interest. So what was powerful politically was in effect very unfair to a very long-serving citizen of Alberta who was stupid enough to invest in the future of her own province. There are many different ramifications that the economic one will overlap onto, but indeed there are others.

I think certainly the biggest concern is perhaps not that some powers cannot be looked at realistically and be determined as to whether they can best be handled at all provincial levels, but in such a fast-moving world one also wonders, of course, what the future might hold. A jurisdiction that seems well suited to one area today may not be for another. We do live in a democracy, and you have to allow future generations to make their own choices. But what you must have, I think, is a constitutional process that will permit those Canadians who live outside of Ontario and Quebec to have an equal part of that constitutional process. It seems to me that just having the triple E Senate will allow us to have enough political leverage that we can at least get our concerns addressed from time to time as they arise.

1:35

MR. ANDERSON: I'd agree that the triple E Senate will assist in that greatly. I guess when it comes to economics, at least if you accept the figures of Dr. Mansell or some of those, the net

contribution Alberta has made to the country has been far greater comparatively than Ontario has made. Consequently, if you're taking the economic power to the federal level, at least by any historical measure, that is part of the result. I guess that's a balance that we have to reach somehow. I don't know if you have any comment on that.

MR. RUST: Just so I understand you, you're speaking primarily of the transfer of funds from Alberta to elsewhere throughout the country. It is far greater on both a percentage basis and an actual basis than is in the case of Ontario. How did you see that as representing balance?

MR. ANDERSON: No, I'm just trying to reconcile that and those dollars being centralized and redistributed through federal authority in the past as opposed to . . .

MR. RUST: Oh, I see.

MR. ANDERSON: If you're going to the provinces and delegating some responsibilities there, one would think that that would more easily keep the dollars within provincial jurisdiction, and therefore the economic clout. We're perhaps looking at different dimensions of the economy.

MR. RUST: I guess my concern would be – and maybe Petro-Canada serves a purpose. I'm just suggesting that at the moment as the kind of decentralization being talked about. I'm assuming that corporate structures would probably remain much the same as they are. One of the big arguments of Petro-Canada – it can be debated, the *raison d'être* for its formation. But what so many people forget is that in effect it was a form of socialization. Because it was a kind of socialism that was brought into Alberta, the real decisions for the original structure of Petro-Canada, not as it is now structured, were actually going to be made in Ontario, in Ottawa. You have effectively what was once a marketplace in which Albertans felt very comfortable and comfortable controlling the oil and gas industry and being a part of it, in the management that this entire city represents. You could suddenly see the potential for the whole thing by Calgary being rendered unimportant. The important things would be the banks in Toronto and the government in Ottawa if you had many more of those monolithic giants that had ended up being formed. I can still see companies being formed, chartered through the federal government, being basically owned by the province of Ontario or Quebec or something possible and operating elsewhere.

So I still see the danger of a powerful Ontario, no matter what form or structure, whether it came through the federal government or not. I'm not suggesting again that that be denied. I'm just suggesting again that the triple E Senate does represent both directly and indirectly the one weapon that we would have. In other words, if you get the ability to hit Ontario where it lives, they may form that company, but they may have some difficulty doing a few other things down the way.

MR. BRADLEY: I just had a brief question that comes from your brief. You say that we should be very firm with regards to triple E, that we should not capitulate on that question, and that we should make it clear that if something other than that is forced upon us, we should, as you say, explore all available options. What available options should we explore if we don't get triple E? What are you suggesting there?

MR. RUST: I guess I am suggesting that if the new Constitution is not based on a form of equity, then Alberta, too, can consider whether it would be better off as an independent country possibly, and I suggest in partnership with British Columbia. It can look at joining the United States. It has a number of other things. They, for the most part, probably would not be my choices.

What I am suggesting is that if some of this is accomplished which basically locks and nails shut that door that I talked about and it's done on 7, 50 as opposed to unanimity or something like that, then I think Alberta's obligations to Canada then also can be considered as being at an end unless we reconsider them and recommit to the country. But we should at least reserve for ourselves the option to withdraw and consider what the future significance is for our country. In other words, I see Canada as having every chance to operate, but I do not see Alberta as being a second-class citizen or province inside that country.

MR. CHAIRMAN: Well, thank you very much. I noted with interest your comment about the Social Credit government's actions back in 1935. Interestingly enough, many people I've met in my political career remember that. That particular government, while it was in office for a long time, certainly caused some opposition to be firm against them over the years. I just throw that in because I recollect very well discussing it with many older people that had been similarly affected.

MR. RUST: Well, I come from a long-standing Liberal family. I must concede that, but in a weak moment my father would admit to having voted for Social Credit in the first round in 1935.

MR. CHAIRMAN: Well, everybody did.

MR. RUST: He promptly devoted the rest of his life to getting rid of Social Credit.

MR. CHAIRMAN: Well, they're gone.

MRS. GAGNON: I have one very short question. Barry, you didn't mention anything at all about any types of reform. Without going into it in great length, do you see any kind of electoral reform or legislative reform that we should engage in in order to deliver better service to people who now feel quite alienated from politicians? I know I'm raising another issue, and maybe we can explore it another day.

MR. RUST: Sure. Basically, most of what has come up . . . I did assist Tom Sindlinger for a brief period of time in forming a new party almost a decade ago. Most of the things that we looked at and that were a part of our platform are now somewhere around; somebody's got them somewhere. If it isn't the Reform Party, it's a part of the mainstream parties. Everything from free votes, again, to the Senate reform question and a number of things. I think they're all workable and viable. They should be done. As I suggested at the outset, I have my views on them, but they probably don't carry any more weight than anybody else's does. I'm just particularly concerned that I wanted to address this committee on terms of equality.

I think recall is ridiculous. I think that's about the only one. I guess if the public wants it, we might have to accept it. Beyond that, I don't have views that are terribly unique in any structured way.

MRS. GAGNON: Thanks.

MR. CHAIRMAN: Thank you very much for coming forward and sharing your views with us today.

MR. RUST: Thank you, Mr. Chairman. I appreciate the time of the committee.

MR. CHAIRMAN: Ladies and gentlemen and presenters who are waiting, if we could possibly take 15 minutes for the members of the panel to have a sandwich, I hope you don't mind. We have gone through the lunch hour, and we're much nicer people if we've had a little something to eat. So I hope we can adjourn for 15 minutes and then come back at 2 o'clock.

[The committee adjourned from 1:42 p.m. to 2:02 p.m.]

MR. CHAIRMAN: Thank you for your patience while we had a slight reinfusion of some food.

I'd like to ask Mike Dickerson if he would come forward now. Welcome. Please go right ahead.

MR. DICKERSON: Well, as I've grappled with the topic of the Constitution, I've learned just how complex it is, and I expect the committee is learning the same thing. As I review my notes, however, the words that seem to jump out most are "responsible" and "accountable." I guess that's the central message I'd like to leave you with today.

I'm going to discuss briefly some of the problems Canada faces today, the role of our Constitution in them. I'd like to review some of the good points in our present Constitution. I think that's something the committee may not have heard before. I'd also like to review some of the problems and talk about some directions for improvement.

In Canada today we have a crisis of confidence. Our institutions, especially our governments, are struggling to meet a great number of demands from various interests in society with increasingly strained resources. Public dissatisfaction is rising. The financial position of the federal government undermines the Canadian economy, and the separation of Quebec would be a serious blow to Canada's stability. What is the role of the Constitution in this? The Constitution simply sets the ground rules for a nation to work out its political questions. The political stability which is thus created is the precondition for economic and social progress. Constitutional change, therefore, is a necessary first step for solving Canada's pressing political, economic, and social problems.

Some of the good points of our present Constitution. It's often been said that where other countries have too much history, Canada has too much geography. This country has many diverse regions, and balancing the interests of these regions has never been easy. Nevertheless, in the 124 years since the British North America Act became our Constitution, Canada has grown from a struggling colony to one of the most respected, even envied nations on earth. Now, I think some features of our Constitution helped to make this possible.

First of all, Canada is a democracy. Our leaders are answerable to the people. Our decision-making is decentralized. We have strong and equal provincial governments, which keeps decision-making close to the people and provides the flexibility needed to serve the needs of different regions. Within the federal government there is regional representation so that all parts of the country should have a voice in determining the national interest. Altogether this is a very responsive system

where people have a clear voice in choosing the leaders who will make the decisions that affect them.

Now I'd like to talk about some of the areas where perhaps we've strayed from the strong points of the original model and where improvements stand to be made. The authors of the British North America Act did well, but they could not foresee all the new responsibilities taken on by government in our complex modern society or that some governments would try to act outside their proper jurisdiction. Over the past 25 years the federal government has increasingly encroached on provincial areas of jurisdiction. This has led to intergovernmental conflicts, overlap and duplication of services, financial strains on the federal government as it has tried to finance these new services, and financial strains on the provincial governments when the federal government has been forced to reduce its support for shared-cost programs. Oftentimes federal governments have ignored the voices of regions outside central Canada or deliberately created divisions by attacking other levels of government. Another source of conflict within our society is the increasing tendency of special interests to seek advantage by trying to solve political problems through the courts instead of using the political process to work toward workable compromises. The adversarial nature of the court system means that conflicts are inflamed instead of solved.

Recommendations. Constitutional change should focus on spelling out more clearly the responsibilities of the two levels of government. Government should concentrate on running its own business better instead of trying to run everyone else's. Areas of responsibility such as health care, social services, and natural resources should fall solely within the domain of the provincial governments, with sufficient taxing power transferred to the provinces so they can support the shared-cost programs. Each province then has the flexibility it needs.

Many of the newer areas of public concern logically fall within the provincial domain. Environment is a prime example. There is a need for greater interprovincial co-operation. Minimum standards in areas such as education can be co-ordinated between provinces. The regions of Canada need better representation in Ottawa, and a reformed Senate could be a perfect means to accomplish this. The present Senate is almost totally useless and, as we have seen, a clear threat to democracy.

Our legal system is structured to decide on narrow questions of right and wrong, not on broad and complex political issues where there can be right and wrong on both sides. The issues call for conciliation and compromise, not legal confrontation. I would note as a comment that I think we've seen examples recently of contentious issues being dealt with by the courts and being dealt with in a way that really doesn't solve a problem; it simply continues. A judge's legal training is primarily technical in nature, and our judges are not equipped to decide political questions. Even if they were, they are not accountable to the people.

I think it's clear that in Canada at all levels we face some tough choices. Those choices can only be made and seem to be made fairly if people realize they have had input into those choices through the election of their governments and if they realize their governments are going to be clearly accountable to them for what is done.

In summary, a Constitution which puts responsibility for solving problems where it belongs is the first step to solving Canada's problems. Compared to many countries, Canada has been remarkably successful, in large part due to the wisdom of the Fathers of Confederation. We must return to and reinforce those aspects of our Constitution which bring decision-making



close to the people. We sometimes hear the view that a large, aggressive, big-spending federal government can somehow buy unity for the country. This view is false. We have never had federal governments which have spent more than present federal governments have, and we have never had less unity than we have had in recent years. This approach has been tried and it has failed.

In conclusion, I'd like to return to the subject of responsibility. I've talked a great deal about government responsibility, but if I may, I'd also like to talk about individual responsibility. Democracy will never work without an informed and committed public. There are too many people who do not give our system the support it deserves. I think we need more public input, and I'd like to commend the committee members for providing the public with this opportunity to come forward and speak. Finally, I'd like to thank the committee for their attention.

**MR. CHAIRMAN:** Thank you very much, Mike. It's kind of refreshing to hear somebody say things that aren't all that bad in terms of our Constitution and that it has indeed served us well and brought us, as you say, to a position of envy amongst other parts of the world.

Bob Hawkesworth had a question.

**MR. HAWKESWORTH:** Thank you, Mr. Chairman. Thank you, Mr. Dickerson, for your comments this afternoon. If I understood them – and maybe I'll tell you what I think I heard, and you tell me if I heard it right – in Canada we have a division of powers laid out in the Constitution. The federal government in recent years, through its spending power, I guess in a sense has intruded – some would say made its presence felt – in some areas that have been exclusively under provincial jurisdiction in the Constitution. Notably, the Canada Health Act is one example, but there is established program financing and so on.

**MR. DICKERSON:** There are countless examples.

**MR. HAWKESWORTH:** There are countless examples, exactly. What I hear you saying in your presentation is that the provincial governments should take over their exclusive jurisdiction which they have in the Constitution and the federal government should sort of remove itself and the taxing power used to finance its participation would then be turned over to those provinces. Was I getting the gist of what you were . . .

**MR. DICKERSON:** That's the gist of it, yeah.

**MR. HAWKESWORTH:** One of the concerns some Albertans have expressed about that is that not all provinces have equal wealth to tax. Alberta, maybe because of some accidents of geology, has great natural resources, and other provinces such as, say, Prince Edward Island or Newfoundland don't have the same base. So even if a taxing authority were equally transferred to provinces, provinces wouldn't be able to raise on their own the same degree of income to pay for those services, so that over time there might not be equality of opportunity or equality of citizenship in a real sense, depending on where you live, because your province doesn't have the money or the wealth to provide the services some other provinces might be able to provide. What's your response to that kind of concern?

2:12

**MR. DICKERSON:** I think it really cuts both ways. There may be instances where certainly a province is helped to provide a service it wishes to provide by federal assistance. But there have

also been examples where, in the case of shared-cost programs, a province might have other priorities. Particularly, a province which is not wealthy may have a limited amount of money to spend. The federal government did come forward in the past and said, "We will pay for 50 percent of this program if you will pay for the other 50 percent." The province may have great difficulty finding that other 50 percent, and it may have to curtail programs that it feels are of greater priority in order to share the cost of that program. It now finds that the federal government is increasingly moving out of funding those shared-cost programs, and the province is now really stuck in a hard place. So, yes, there's an argument to be made, but I think there are arguments on the other side. I think also that probably if we were to take a look at our tax system and the way we divide federal and provincial taxing powers, there are some things that could be done on a technical basis there which would help to even things out. But that's primarily a technical problem more than a conceptual one.

**MR. HAWKESWORTH:** Would you agree, though, that one of our national objectives ought to be in the areas of social services, health care, and any number of these program areas or jurisdictional areas, that as a nation we should be concerned about ensuring equality of opportunity across the country, that you shouldn't necessarily be penalized simply because of what particular part of the country you might happen to have been born in?

**MR. DICKERSON:** Yeah. Again, though, it cuts both ways. I don't believe that I as an Albertan should necessarily dictate to somebody in some other province, through the federal government or through whatever other means, how they should be spending their money. I've used the expression "tough choices" and I've used the expression "responsibility." I think governments at all levels are facing increasing demands on limited resources, and they're going to have to look carefully at the trade-offs in terms of: if we fund more social services, does that mean we can't fund better education? If we fund more education, does that mean we have to cut back someplace else? I really don't think it's fair for somebody outside that jurisdiction to make those choices for them.

**MR. CHAIRMAN:** Dennis.

**MR. ANDERSON:** Thank you, Mr. Chairman. Mike, I appreciated your presentation. I thought it was very well thought out.

**MR. DICKERSON:** Thank you.

**MR. ANDERSON:** Further to Bob's questions, do you have an opinion on equalization payments, and if you agree with them, is that a possible way of helping the less populous provinces or the less affluent provinces without dictating priorities?

**MR. DICKERSON:** Yeah, I think you may have a good point there. I think whatever is done in terms of governments, the lines of responsibility have to be clear so that one government doesn't get blamed for the mistakes, errors, or omissions of another government. We have to be very clear as to who is responsible for what. If we continue to have equalization, as you say, it should be taken as far as possible out of the political football framework so that equalization doesn't become an excuse for certain pet projects of a certain federal authority,

doesn't become something that comes and goes so that a province can't plan its finances, not knowing how much support they're going to get from the federal government.

MR. CHAIRMAN: Thank you very much for your presentation, Mike, for coming forward and for waiting for us, and as I say, for some confidence in this battered document, that has done a pretty good job, really, when you think of it.

MR. DICKERSON: Thank you.

MR. CHAIRMAN: Darwin Cronkhite, please.

MR. CRONKHITE: Bonjour, mesdames et messieurs. Je suis canadien seulement, n'est-ce pas? Good day, ladies and gentlemen. I'm a Canadian only, okay?

When we talk about Canadian unity, perhaps it's best to consider how the second largest landmass country in the world came into being. We might also consider the disintegration of the largest landmass country in the world, the U.S.S.R. Why has Canada survived to this date and the U.S.S.R. is falling apart? Perhaps the secret lies in the Canadian ability to compromise as compared to the inflexibility of the Kremlin. To Mr. Gorbachev's credit, he's tried to correct the Soviet system along democratic lines, but even radical surgery may be insufficient to cure the cancer of Communism. We must all wish the reformers in the U.S.S.R. well. After all, without the aid of the U.S.S.R. during the Second World War, of which I'm a vet, we the free world could have fallen under the fascist regime of Nazi Germany or the Axis powers of Germany, Italy, and Japan.

Let us go back in time to the first benchmark in the evolution of Canada. At the beginning of the 18th century there had come into existence in the new world a group of European communities whose character and interests were already different from those of the mother countries. A trend was developing towards responsible government and retaining in large measure the wealth generated in the colonies as compared to exporting the wealth to the European mother countries. In 1763 the British conquest of New France placed Britain in control of the whole eastern half of the North American continent. The British felt that the French traditions, language, and French civil law would best serve the interests of the French colonists. This change in attitude from purely an assembly and English laws governing colonies came about by the recommendation of Governor Carleton, who expressed his opinion that the colony would remain French to the end of time. The colony was Quebec. Carleton wanted to satisfy the aspirations of the French leaders, the clergy, and the seigniors.

In 1774 the Quebec Act came into being. It confirmed seigniorial tenure, granted full rights, including collecting tithes for the Catholic Church. It introduced English criminal law and left French civil law in force. Instead of an elected assembly, power was vested in a governor and an appointed council on which French Catholics were allowed to serve. In addition, the British extended the boundaries of Quebec westward to encompass a huge territory bounded on the north by the Hudson's Bay Company, to the Mississippi River and southwards to its junction with the Ohio River, northwards to the proclamation line of 1763, and eastward to Nova Scotia and the Atlantic coast. Of course, the American revolution came along, and the southern boundaries were adjusted to present-day Canada/U.S. boundaries.

In the autumn of 1775 U.S. General Montgomery advanced by way of Lake Champlain and captured Montreal, and Benedict

Arnold set out through the main wilderness to surprise Quebec. Both forces joined up but were beaten on December 31 of that year. In the spring of 1776 Carleton drove the invaders from Canada. In 1777 Burgoyne was defeated. Later on, the Americans proposed a joint American and French attack on Quebec and Nova Scotia. Nothing came of it. The two provinces were still under British rule. Canada now faced a new independent neighbour to the south and a new province. Not all agreed with the American revolutionaries. Some 40,000 Loyalists came to Nova Scotia, overwhelming the original population and giving birth to the new colonies of New Brunswick and Prince Edward Island. Another 10,000 settlers arrived in Canada during the decade following 1781.

## 2:22

The influx of the new settlers created new problems. The Quebec Act had envisioned only a handful of English; however, English Protestant settlers were flowing in. The English business community was dissatisfied with French control, the French habitants were dissatisfied with the seigniorial system, and the fur traders were pleased with the vast expansion of Quebec. The French leaders opposed the Assembly on the grounds that it would be a taxing machine, but taxes were going to be imposed anyway. The British decided to avoid the mistrust which had resulted in the American revolution and give Canada responsible government.

To address these problems, the Constitutional Act of 1791 was enacted. Quebec was split into Upper and Lower Canada. The French retained all the privileges they had gained under the Quebec Act. The English in Upper Canada were free of the seigniorial system. Both provinces were given elected Assemblies. Protestantism was encouraged to balance the position granted Catholicism under the Quebec Act. It was thought that the French would be moved to abandon their old ways in order to share the benefits enjoyed by their neighbours. This met with only limited success, and I'd say it hasn't met with much success to today.

The system worked adequately so long as there was no serious opposition between the appointed and elected branches of government. Serious conflicts developed in the east colony between the legislative and the executive council and public opinion, expressed through the elected Assembly. The party which controlled the councils was able to block attempts by the Assembly to pass major reforms. Lower Canada was the first to challenge the system. English merchants, particularly in Montreal, resented their separation from Upper Canada. They wanted commerce, canals, and improved navigation on the St. Lawrence. The French preferred agriculture rather than commerce. They feared the influx of English settlers, and they didn't want habitant taxes to go toward canals for the benefit of the English merchants.

Control of tax moneys became a major concern in 1819. The Assembly sought to bring all taxes under its control. Differences also had arisen in Upper Canada, but not complicated by racial problems. Due to the War of 1812 with the U.S. – and Canada won this war – U.S. settlers were regarded with suspicion, and pioneers began to feel that the government was neglecting them in favour of the merchants and the moneyed classes.

In 1828 the British government appointed the Canada Committee to find some solution. In Lower Canada Louis Joseph Papineau emerged as a leader whose aim was unrestricted control over finances. In 1834 some 92 Resolutions were forwarded to the home government, but no action was taken to implement them. In 1836 Upper Canada followed Lower



Canada, refusing to vote funds. In 1837 a rebellion of sorts occurred. It failed.

The British government was awakened to the seriousness of the problem, and Lord Durham was selected to remedy the problem. Lord Durham felt that the real root of the problem was racial and there was no hope of reconciling the French and the British. Durham recommended union of the two Canadas, responsible government, and the definite separation of local from imperial matters. In 1841 the provinces were indeed affected.

Problems continued. In 1849 the Parliament houses were burned in Montreal. Racial and political problems continued to plague Canada. By 1867 a Confederation between Upper and Lower Canada occurred, and in the aftermath Nova Scotia, New Brunswick, and Prince Edward Island joined. The Constitution was to be federal and not unitary, similar in principle to that of the United Kingdom.

In 1869 Canada purchased Rupert's Land from the Hudson's Bay Company. In 1870 Manitoba was added to the first new provinces of the Dominion of Canada. In 1871 British Columbia joined, and the dominion stretched from sea to sea. In 1905 Saskatchewan and Alberta became new provinces. In 1949 Newfoundland joined.

We must also take into consideration the actions of Louis Riel. Unfortunately, the Canadian government did not prepare the population for changes resulting from the purchase of Rupert's Land in 1869. The Metis in the Red River area of Manitoba were afraid that their land titles would not be respected. The result was the Louis Riel rebellion of 1869. It was suppressed by 1870. In 1885 an armed revolt started in the North-West Territories, with the possibility of a general Indian uprising. Louis Riel had returned to Canada and established a rebel government a few miles downstream from Saskatoon, at Batoche. The causes were similar to the first Riel rebellion. A military contingent from eastern Canada suppressed the uprising, and Louis Riel and 10 Indians were hanged.

Canada has participated in two major wars – namely, the First World War and the Second World War – the Korean war sponsored by the UN, and recently the Iraqi war. Canada has participated in peacekeeping missions and efforts to relieve world hunger. Canada is well respected in the international community. Canada became an independent nation in 1967.

Perhaps this background will help one to understand Canada's present difficulties. Separation: is it a myth or a genuine concern? A clear-thinking Canadian must take the breakup of Canada as a national disaster. Can Quebec consider its present boundaries as sacrosanct? I don't think so. Is Canada negotiable? I don't think so. Too much Canadian blood has been spilled protecting our freedoms. Are we headed for a military showdown with Quebec? Perhaps. The Americans fought a civil war when the south decided to secede from the north. Former Prime Minister Trudeau approached the FLQ problem by declaring the War Measures Act. Are not all parts of Canada affected by secession? If not, why not? Even with a peaceful separation, would there not be a destabilizing effect on the whole of Canada as we know today? Canada has an obligation to protect the rights granted to their aboriginals. Do they wish to live under the Quebec umbrella or a Canada? After Oka what can we say? What about transportation? Do Canadians have to have passports to cross Quebec and vice versa: do Quebecers require passports? What happens to the French minority outside Quebec and the English and other minorities in Quebec? Do we rewrite the 200-mile limit off the east coast to include fractionalization? What happens to the military?

What happens to Canadian currency? What share of the national debt belongs to Quebec? What happens to government of Canada installations in Quebec?

For anyone that thinks a peaceful transition of power can be accomplished, I would say they are dreamers. Neville Chamberlain was one of those men. He thought he could appease Hitler. It didn't work, and the Second World War, 1939-1945, became inevitable.

What's to be done? Everyone having a basic knowledge of Canada knows that Quebec has certain distinctive characteristics, such as language, cuisine, and culture. Quebec has also helped build Canada. Quebec has produced numerous Prime Ministers of Canada. Quebec wishes to entirely control its finances. Clearly, it is difficult for me to understand *bienvenue* when French-only signs are permitted on the outside of buildings in *la belle province*. Quebec should remember that the blood of other Canadians was spilled in France and two world wars, which assured freedom of France from Germany.

What kind of government should the new Canada envisage? With some modification to the present federal system, I think our national interests are best served. I'm a strong believer in the triple E Senate. I doubt very much the hated GST would have passed a triple E Senate. It is up to men of goodwill to rectify the problems of Canadian unity. Compromise is indicated; otherwise, the results could be disastrous. *Je suis canadien seulement. Et vous? I am Canadian only. And you?*

2:32

MR. CHAIRMAN: Thank you very much for your excellent review of the history of Canada and the enumeration of the issues which face us. I think all members of the committee are grateful to you for having reminded us of some of these facts of our past.

Are there any questions or comments? Yolande.

MRS. GAGNON: I don't know if you were here earlier today when Mr. Jacques Parizeau presented his . . .

MR. CRONKHITE: I saw Mr. Parizeau down in the media room.

MRS. GAGNON: Some of the questions that you asked we actually were able to ask him, which was a good opportunity.

I want to pursue a little your idea of compromise and ask what you would think about, for instance, minority education rights in Quebec and in Canada. At the heart of our Charter is article 23, which is the great compromise of all time, or at least it was considered that when it was enacted. Would you support a continuation of those minority rights in Quebec for Anglophones and in the rest of Canada for Francophones?

MR. CRONKHITE: Well, I believe we are all born equal. When I enlisted in the RCAF in the Second World War, they said, "What nationality are you?" I said, "I'm a Canadian." They said: "No, no. You can't be Canadian. You have to be something else. What are your racial origins?" I told them, "Well, Dutch on my father's side and Scottish Irish on my mother's." We have this stupid census that comes around, and it still asks me the same questions: what nationality I am, my racial origins. I don't think it's anybody's business if you're black, green, blue, or pink. It's your name that counts and where you were born.

So I would say that if you're speaking minority rights for all Canadians, it does have a limitation attached to it. For instance,

minority rights if you happen to be a Philippino or a German or a Russian would apply if you needed an interpreter in court. Because we're a bilingual country, I would say that equal access to English and French applies clear across Canada. I'm particularly disappointed that if I go down to Quebec, I have to read French-only signs, whereas I can go over here in Calgary and can read Chinese signs. I don't understand them, but I see them there. Does that answer your questions?

MRS. GAGNON: Yeah, I think so.

MR. CHAIRMAN: Well, thank you very much, Mr. Cronkhite. It's been a heavy day for our committee in many respects, but it is refreshing to hear from the last two presenters that with some minor modifications that you have suggested without being specific on them that this Constitution has served us pretty well, has brought us through some difficult times and to a place in time where the people of Canada are pretty well served.

MR. CRONKHITE: I think that's basically right, Mr. Horsman. I believe in Canada. That's why I went to war. I don't necessarily follow and believe in how the U.S. operates, because I lived down there for three years. I'm the only one from a school where seven of us joined up who came back without being either dead or wounded. So we have a big investment in Canada.

MR. CHAIRMAN: Well, thank you very much and for your heartfelt belief in this country of ours. I think that is shared by every member of this committee and I'm sure by every member of the Alberta Legislative Assembly. Thank you very much.

MR. CRONKHITE: Thank you very much.

MR. CHAIRMAN: We're adjourned. I thank the members of this panel. I guess I'm joining the other group for the next set of hearings, so thank you all.

[The committee adjourned at 2:36 p.m.]