

9:09 a.m.

Tuesday, September 24, 1991

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Ladies and gentlemen, I'd like to commence the proceedings and welcome the folks who are here this morning. I'm Jim Horsman, the chairman of the committee and member of the Legislature for Medicine Hat. On my left, Pam.

MS BARRETT: Good morning. I'm Pam Barrett, MLA for an inner-city riding called Edmonton-Highlands.

MR. ROSTAD: Ken Rostad, MLA, Camrose.

MR. McINNIS: John McInnis, MLA, Edmonton-Jasper Place.

MR. DAY: Stockwell Day, MLA representing Red Deer-North.

MR. SEVERTSON: Gary Severtson, MLA, Innisfail.

MS CALAHASEN: Pearl Calahasen, MLA, Lesser Slave Lake.

MR. CHAIRMAN: At the back of the room coming to the table now is our host MLA for Calgary-Buffalo, Sheldon Chumir. Good morning, Sheldon.

We're welcoming presentations this morning from a number of Albertans on the day in which there's been a new development in our constitutional quest: the release of the federal government's paper called *Shaping Canada's Future Together*, a set of proposals which are quite extensive and will require some pretty thorough analysis. For the benefit of the members of the committee and the public who are here, the first phone call I received on the subject from the news media was asking me for a complete position of the Alberta government on the paper. I had to decline any such instant analysis because it's going to take us some considerable time. One of the things that is important is that we will be part of the process of dialogue with Albertans and Canadians over the next five months, and this hearing this morning will be part of that process.

So I'll call on Nadine Carter first to make her presentation to us. Good morning. Welcome.

MISS CARTER: Good morning. My name is Nadine Carter. I'm a student at the University of Calgary working towards my bachelor of arts with a history major and a political science minor. I'm a fifth-generation Canadian and a third-generation Albertan. Therefore, I feel that I have a stake in Canada's Constitution.

Before I go any further, I'd like to commend the Alberta government for including all of Albertans in allowing them to make a presentation to this committee. It's certainly an improvement over the 1987 constitutional agreement, the Meech Lake accord, where at least to citizens it seemed as though 11 men got together for 20 hours to decide the future of Canada. Even though I disagree with the process, in principle I agree with the content and the principles that were in the Meech Lake accord.

I'd like to more specifically discuss distinct society, centralization, the amending process, education, environment, and Senate reform. As I've gone through the paper *Alberta in a New Canada*, I'm going to attempt to answer the questions asked in that paper.

First of all, Quebec as a distinct society. I've studied the Meech Lake accord specifically in many of my political science

courses and one of my history courses. I never have understood the fuss that everyone made during the Meech debate between 1987 and 1990. In my opinion, all the Quebec is a distinct society clause says is that Quebec is different from the rest of Canada. They are different in that for the most part they speak a different language, they have a different culture, and part of their laws are different from us in their civil law. I recently heard the former Premier of Alberta, the Hon. Peter Lougheed, make a comment in one of my classes that when the issue of Quebec as a distinct society arose during his stint as Premier, the government went to their lawyers to get a legal opinion on this, and the legal opinion they obtained was that Quebec as a distinct society really meant nothing; it just stated the obvious.

As far as centralization of government, most people in Canada have strong feelings about this. There are two sides: one, centralization for a strong federal government; and secondly, decentralization which gives more powers to the provincial governments. One good thing about centralization is that it allows for continuity across the country, whereas decentralization allows for different policies or the potential for different policies. The bad thing about centralization is that regional and provincial concerns are not always implemented or discussed to their fullest, whereas in a decentralized state, regional issues are more prevalent and provincial rights at least can be heard more readily. I think that somewhere out there there's a happy medium on the issue of centralization. We just have to find the exact fit for Canadians today. I believe the bulk of the power should go to the provinces. That way regional concerns can be outlined and more fully discussed. We can't decentralize the federal government too much because that would allow for discontinuity amongst the different provinces, but we should use the federal government to unify Canada and to ensure the continuity of policies.

The amending process. All provinces must be equal and no province should have a greater say than any other. The best way to do this is public involvement such as this task force is doing across Alberta today. One thing that the Alberta government should do is take the comments and suggestions of the people who come to the committees under consideration when they're formulating the government's policy in response to the federal government's constitutional paper that came down this morning. I believe there should be joint hearings also in conjunction with the federal government so that each province can get to know what the other provinces' people believe and how they feel. The way I think this would be feasible is for a separate committee for each province to be formed and for a separate federal committee to be formed. The federal committee should stay the same across Canada to allow for continuity, so that at least some people are hearing everyone's concerns.

I also believe that a direct referendum approach should not be used for final decisions. My rationale for this is that the results would be dominated by central Canada, which of course wouldn't be absolutely wonderful for the west or the maritime provinces. The other thing is that if we look at past referenda in Canada, they have been dominated by central Canada. They have also caused deep rifts in our population which we're still paying for, from the prohibition referendum of 1898 and the conscription referendum of 1942. Canadians should trust their leaders that they democratically elect to make the decisions for them. There has to be a trust formed between the people and the people that represent them.

Education is very important in today's society. I believe that control should remain under provincial jurisdiction, but there should be a greater emphasis placed on communication between

the provinces. Originally, education was given to the provinces in order to have local, provincial, and regional issues geared to the needs, values, economies, histories, and culture of the various provinces and the various regions of Canada. This is true today, that it should remain under provincial jurisdiction, because after all, Alberta has a significantly different history from that of Quebec, Ontario, or the maritime provinces, even though we share a common history with such provinces as Saskatchewan. This will be true as long as our nation exists. A greater amount of communication between the provinces and the federal government in order for standards in education to be universalized in the areas of math and science and areas dealing with the sciences should certainly be looked into.

9:19

The environment is becoming more and more important to Canadians. I believe this should come under provincial control when it's eventually decided, because it has a direct reflection and effect on natural resources, which are already in the provincial domain. Interaction, once again, between the provinces and the federal government must be maintained to ensure that policies are continuous across Canada, specifically geared towards the provinces, but there are some policies that must occur across Canada. One thing for certain is that provinces must have very strict laws regarding the environment, because after all we all have to live in the same place.

Senate reform, in my opinion, is the most important section of the constitutional talks for Albertans. The Senate was originally founded as a second House, a place of sober second thought, as a check on the House of Commons in order to present regional representation. However, the way it is set up right now, central Canada, Ontario and Quebec, dominates both Houses because their population is so vast. This makes the Senate not as effective as it could be because Bills are rubber-stamped and also because the Senate has very little power. The election of Senators, I believe, would lead to a more effective Senate. Equal representation would voice regional and provincial concerns more readily, openly, and, most importantly, concerns may be alleviated. The triple E Senate reform model is best for Alberta because it would give Albertans and Alberta as a province a greater say in national decision-making.

When Premier Getty and the Alberta government team sit down to the constitutional tables and the first ministers' conferences which will occur to bring us to a constitutional amendment which will satisfy the majority of Canadians, provincial rights must be upheld. We must not forfeit any of the provincial rights because that would weaken the provinces and weaken the regionalized say in government today. All provinces must be equal, and we must be advocates of national unity. One Canada must maintain objectives without giving up provincial rights and jurisdiction.

When I was looking at the Alberta in a New Canada discussion paper I became upset over the question of changing our status as a constitutional monarchy. I oppose this change because constitutional monarchy gives Canadians and Canada character and a sense of history; therefore, Queen Elizabeth of Canada must remain as our figurehead.

In conclusion, I'd like to say that it's wonderful to have an opportunity to speak with you. We must work toward one unified Canada without giving up too many rights as a province. Thank you.

MR. CHAIRMAN: Thank you very much, Nadine. You mentioned the one point, that there should be a continuing

committee of the federal Parliament and committees at the provincial level. I wasn't quite sure from your presentation whether you believe that should be in place for this current round of discussions or whether it should be continuing.

MISS CARTER: For the future, continuing for the future.

MR. CHAIRMAN: Continuing. Right.

Just as a matter of interest, this committee will be meeting with the federal committee when it comes to Alberta. There will be hearings conducted at that time, in the next five months. Then as a result of the Premiers' agreement in Whistler at the Premiers' Conference, this committee will also be meeting with the other committees from other provinces.

MISS CARTER: That's great.

MR. CHAIRMAN: We have already met with one-half of the members of the Ontario select committee when they made a visit across Canada. So we're starting a process of some discussions, which is unique and I think will be helpful. I thought I'd give you that information.

MISS CARTER: Thank you.

MR. CHAIRMAN: Questions? Yes, Gary Severtson, Ken Rostad, Sheldon.

MR. SEVERTSON: Good morning, Nadine. There are a couple of points. One, you mentioned one of the main elements you think needs changing is the Senate. Do you think two out of the three Es would be enough, or do you feel all three Es would have to be done?

MISS CARTER: I feel that we should start out with the three Es. The equal is important, but if it won't work entirely, we could certainly use it as a bargaining point in the discussions. I'd like to see what the Prime Minister is talking about as far as a weighted Senate.

MR. SEVERTSON: Yeah; that would have to be [inaudible] too.

The other one: in these hearings we've held across the province, many Albertans have come forward with constituent assembly, which means a lot of different things to different people. I notice you mentioned that you felt that the present system of the provincial governments and the federal government are the people that should deal with constitutional change. What's your idea of a constituent assembly, or have you given it much thought?

MISS CARTER: Actually, I haven't given it very much thought.

MR. SEVERTSON: Okay. Thank you.

MR. CHAIRMAN: Thank you.
Ken is passing, I understand.

MR. ROSTAD: Yeah, I'll pass. I just want to commend you on your presentation.

MISS CARTER: Thank you.

MR. CHAIRMAN: Sheldon, then John.

MR. CHUMIR: Yes; thank you. Nadine, you mentioned that there should be a balance between centralization versus decentralization. One of the issues we've been wrestling with is whether or not the federal government should continue in its present role of setting minimum national standards for medicare and social services with some funding and leaving the administration to the provinces, or whether that should be taken away from the federal government and just left with the provinces to agree amongst themselves.

MISS CARTER: I think certainly that minimum standards have to be continuous across the provinces, but the standards should be put specifically toward the needs of each individual province.

MR. CHUMIR: I'm still not clear. You're saying there should be minimum standards across the country?

MISS CARTER: Yes.

MR. CHUMIR: Do you support the role of the federal government in doing that?

MISS CARTER: Yes.

MR. CHUMIR: Okay. And you're saying: but there should be some room for variation. Is that what you mean?

MISS CARTER: Yes.

MR. CHUMIR: Yeah. Well, that's what we have now. Each of the medical systems and social service systems differs phenomenally. It's just in certain basics that they're common.

MISS CARTER: Yes.

MR. CHUMIR: Thank you.

MR. CHAIRMAN: John.

MR. McINNIS: I appreciate the research that went into your proposal. I think you're the first person who's discussed the prohibition referendum of 1898 with us. It takes us back a ways.

I was intrigued by your comments about provincial control over environmental matters related to natural resource development, and I appreciate that that's where a lot of the environmental issues arise. The difficulty I see is that sometimes the implications go beyond provincial boundaries of resource developments. Fish, for example, don't know whether they're federal fish or provincial fish. In fact, the Constitution doesn't know either; I mean, clams go in one area and lobsters go in the other. In some ways our Constitution is confused that way. I wonder if you don't perhaps see a need for a co-ordinating role between federal and provincial on environmental matters, or are you saying that it should go exclusively, in respect to approvals, to one level or the other?

MISS CARTER: I think the federal government and the provincial governments should work together to establish policies, but once again, they should be individualized to the various provinces. For instance, the maritime provinces would be more concerned with fish; Alberta would be more concerned with oil and gas.

MR. McINNIS: In some cases the federal and provincial governments get together and have a joint review of a project, a joint panel, and they come to a joint conclusion. Do you think that's a good model?

MISS CARTER: Yeah; it should be able to work.

MR. McINNIS: Thank you.

9:29

MR. CHAIRMAN: Pam Barrett.

MS BARRETT: Thanks. With respect to health care, you used the word "standards" several times. The document released by the government this morning provides . . .

MISS CARTER: I only heard half of it.

MS BARRETT: . . . a phrase that wasn't used here before. This was "objectives." Were you deliberately using the word "standards," or do you interchange that with the word "objectives", or do you have a preference?

MISS CARTER: Well, as far as minimum standards, minimum standards have to be set, but certainly the federal government should be able to issue objectives as well. You could use it both ways.

MS BARRETT: Okay. But you're specifying now that "standards" is a critical word here as opposed to "objectives." Would you say it's an optional word?

MISS CARTER: Yes.

MR. CHAIRMAN: Well, thank you very much, Nadine, for your thoughtful presentation this morning, and good luck in your studies.

MISS CARTER: Thank you.

MR. CHAIRMAN: Max MacCrimmon.

Garry will distribute those for you. Good morning.

MR. MacCRIMMON: Good morning.

Being a farmer, I'm somewhat unaccustomed to this kind of procedure.

MR. CHAIRMAN: Well, just relax. We're quite informal, and don't be nervous at all.

MR. MacCRIMMON: Over the last six months I've been moved to the point where I feel I must get involved in stating my opinion. I wrote a paper in May of this year that was forwarded to the committee, and the paper was in two parts. One was to promote the concept of what I call a clean-sheet approach to a Constitution; i.e., to write a new Constitution that reflects current needs rather than amending and rehashing an existing Constitution. As I see it, our existing Constitution is a monarchy style Constitution; it was written to entrench the interests of the monarch. In turn, that filtered down to entrench the interests of the establishment within this country. I think if you look at the statistics, you would find that well over 50 percent of the country is owned by 5 to 10 percent of the people.

I guess the philosophical question is that they own it by virtue of the fact that they have more money. That's not the definition of a democracy.

At any rate, the other purpose in writing the paper was to promote some of the writings of Dr. Robert Thompson and Cleon Skouson. Approximately 10 years ago they wrote a book entitled *Canada Can Now Adopt a Model Constitution*. It was based on starting from scratch and laying out and stating your beliefs. Once the country agrees to a belief system, then you can bring all your special interests to it to see if they're consistent with the belief system or not. If something is not consistent, then at that point you have the opportunity of rejecting it or amending it until it is.

The paper I did write, in reading it four months later, I would write differently now. I felt that the tone of it was perhaps too negative, that it appeared I was attacking the government. That was not my intention. My intention was to question the integrity of the whole political system.

I'd like to read one sheet, the prologue, into the record if I might. I have no specific recommendations for constitutional amendment. I don't think it's logical to make specific recommendations at this point, because what I see happening is that you're appeasing one group at the expense of another group. That's hardly an equitable contractual arrangement. At any rate, the prologue for the paper which was written afterwards goes as such.

Presently thousands of Canadians are putting their minds and hearts to work in an effort to draw up a new, improved Constitution of Canada. Every last effort I have seen has one thing in common: each party begins the task with a top-down approach. The special interests must be protected at all costs. Is there an alternative? I think there is. I think there is an alternative that is logical and whereby most, if not all, of the present stumbling blocks will literally dissolve themselves. This optimism extends to the French language issue, regional economic disparities, native rights, and the burgeoning federal debt.

Let us consider that the building of a new Constitution is analogous to constructing a high-rise tower. Everyone knows that the tower must start down in the ground with a solid, carefully designed foundation. So why don't we start our new Constitution in the same manner? This would involve the necessity of all parties temporarily setting aside their special interests, kind of like starting a journey without a road map. If you never had people in society willing to go on a journey without a road map, nobody ever would have gone into space, nobody would have discovered North America, and so on.

First, the foundation must be designed, agreed upon by the various engineers, and then put in place. We obviously cannot start at the rooftop, as the special-interest groups propose, and then work down. Okay. But can we agree on the foundation design? What features? The exact design is wide open. It is basically whatever the people of this country hammer out. You'll notice I said "the people of this country," because I am assuming the end result is truly a constitutional democracy.

Once the foundation – i.e., the underlying set of beliefs – is in place, then everyone is free to bring forth the specific features they desire. Each feature must be carefully weighed and considered to ensure it is consistent with the underlying principles already agreed upon. Those features inconsistent with the foundation must be set aside or resubmitted in an altered form in order to ensure consistency. So the process goes on in somewhat the same manner you might attach precast concrete panels to a structural steel framework. I sincerely believe this

approach is capable of producing a new Constitution acceptable to 80 to 90 percent of Canadians. But first it is absolutely imperative to approach the opportunity from the bottom and build up.

9:39

Further to that, I'd like to read into the record the belief system that Drs. Thompson and Skouson developed. To me it appears very comprehensive, although I'm not implying it is a system to be adopted. It's a sample of what people can work out. This is the belief system set forth by Robert Thompson and Cleon Skouson.

This Constitution and the laws related to it are structured on the basic premise of the Common Law, namely, that justice and the rights of mankind are grounded on the established order of natural law, which is of divine origin.

No free people can survive under a system of constitutional democracy unless they subscribe to a strict code of morality and a fixed sense of individual responsibility.

All mankind are created equal before God, equal in their rights, and equal before the bar of justice.

All mankind are endowed by their Creator with certain inalienable rights, among which are the right to life, liberty, property, and the pursuit of happiness.

The inalienable right to govern is vested in the sovereign authority of the whole people. Therefore no power or authority can be assigned to the Government to perform that which is not legal and proper for the people themselves to do.

Officers of the Government, whether elected or appointed, are the servants of the people.

The majority of the people may alter or abolish any government which has failed to serve them adequately or justly.

The best form of government of the people, by the people, and for the people, is a constitutional democracy.

A written constitution expressing the will of the people in concert with the principles of justice and natural law constitutes the best protection against the abuse of power, the destruction of freedom, and the human frailties of those who govern.

I'd just like to interject here. On occasion it's been fairly obvious that the federal government breaks the law and it's in flagrant violation of our Constitution. I spoke with the head of the Canadian Bar – well, not the head of the Canadian Bar Association but the constitutional subsection – about six months ago. His reply was: if you don't like it, go to the voter's box. I find that completely inadequate, because the way Parliament is structured, going to the voter's box – really, if the party elected has a majority in the House, all you're doing at the voter's box is stating your preference for which dictator you want. If there's a clear majority in the House, the opposition can do nothing to defeat a Bill other than slow it down.

So there definitely is, in my view, a lack of accountability in our government. I've also had two prominent politicians, Mr. Hawkes and Ken Hughes, assert to me in writing that the government has unlimited power. The government does not have unlimited power. I quoted constitutional decisions that state in no uncertain terms that the government's power is limited, but not according to our politicians.

Paragraph 10:

Life and liberty are secure only so long as the rights of property are securely maintained.

The highest level of prosperity and human happiness is possible only when there is a free-market economy and a minimum of government regulations.

Each power granted to a governmental authority or agency (be it national or provincial) should be subject to a check by one or more of the other departments in order to provide a system of peaceful self-repair in case of usurpation or abuse of power.

Only limited and carefully defined powers are delegated to the various levels of government, whether National, Provincial, or Municipal. Needed changes in the national charter should be by amendment. There should be no changes in this Constitution by usurpation, or by arbitrarily abusing the rights and prerogatives of the people.

Efficiency and dispatch require the Government to operate according to the will of the majority, but there is no authority to violate the vested or inalienable rights of the minority, either individually or collectively.

Strong, local self-government is the keystone to the preservation of human freedom and private rights.

A free people should be governed by the principles of established laws and not by the whims of arbitrary discriminations of those in authority.

A free people cannot retain their liberty unless they are made secure from the clear and present danger of their enemies, either foreign or domestic.

To the greatest possible extent, a free nation should maintain commerce and honest friendship with all nations, but cultivate entangling alliances with none.

The core unit which determines the strength of any society is the family; therefore the government has a fundamental responsibility to foster and protect the integrity of the family.

It is recognized that the burden of debt is as destructive to freedom as subjugation by conquest.

Each free nation has a responsibility to foster peaceful policies which encourage freedom in other nations. The ultimate objective should be an era when the people of the whole world can live in peace under their own freely elected governments.

That's the end of Dr. Thompson and Cleon Skouson's platform.

To this I would like to add that I feel the practice of usury – this is a very radical concept – should be abolished in its entirety, at least at the public level, and substituted with simple interest. My thought behind that is that if you consider your gross national product, which is a direct reflection on the country's ability to service its debt, it's a linear function. Now, it may wiggle around a little bit, but it's a linear function. If you consider the debt itself, it's an exponential function. A linear function cannot service an exponential function in perpetuity. It's simply a question of time until the system breaks down. It happened in the '30s, and it happens periodically during depressions and so on and so forth.

At any rate, I term this a clean-sheet approach to the idea not of constitutional reform but of writing a new Constitution. There is a lot of inherent resistance, which I can understand. To sort of highlight this resistance, I'd like to read a paragraph from a letter to Ken Hughes, the MP in my riding. I'd written to him:

Similar to the enclosed paper, if you are an auto worker, you don't start building a new car by laying the roof panel on the assembly line and painting it! Similarly, it is not logical if even possible to build a new Constitution without first constructing a firm foundation. I suggest that twenty to thirty written statements of principles are all that are needed.

There appears a great deal of the resistance to this approach in that even the style of government would have to be spelled out. That's something radical there.

This would eliminate absolutely all smoke and mirrors! All political parties would be forced to lay their cards (and hidden agendas) on the table. It would become perfectly clear as to whether our government was pushing for a constitutional democracy, a socialist style, a Monarchist style . . . a pseudo-democracy (as we have now), or more of a swing toward tyranny (totalitarianism). It is a shame that the people involved refuse to state their true intentions! The whole process makes me wonder who the politicians truly represent, the people at large and the Country or their own special (hidden) interests.

I didn't want Mr. Hughes to feel that I was attacking him personally. I went on to say:

I wish to emphasize that these are my personal opinions and that no slight or disrespect toward yourself is intended. It is the integrity of the political system that is so sadly lacking. Take heart that you are in a position of power and are able to effect constructive change . . . if you choose to act!

9:49

Mr. Hughes didn't reply. He has replied to other letters, but he declined to reply to this one.

In kind of summarizing, I guess it's appropriate, being a farmer, that anything I do or say we think philosophically really has to be viewed as if you're spreading seeds. Some may germinate and grow in the near future, some may never, and others may lie dormant for many years and then germinate. It's like some philosopher said: any damned fool can see what's wrong, but it takes a wise man to see what's right about something. So you put the seeds forth, let them go free without expectation, and see what comes of it.

Thank you.

MR. CHAIRMAN: Thank you very much, Mr. MacCrimmon. Stock Day.

MR. DAY: Thanks, Mr. Chairman. Max, can you tell us – in paragraph 20 you say, "It is recognized that the burden of debt is as destructive to freedom as subjugation by conquest." Would you be amongst those who would be advocating for a constitutional requirement for balanced budgeting or that type of thing other than in national emergencies?

MR. MacCRIMMON: Oh, yes. It all comes with proper accountability and controls. If our present Constitution had stringent controls, we wouldn't be in debt.

MR. DAY: Thanks. When you talk about simple interest, again, would you see that as a legislated rate above which interest could not go? Is that what you're referring to?

MR. MacCRIMMON: Like I say, that's negotiable. You know, you set down your system of beliefs, and whether you want to legislate it or . . . The tone of Dr. Thompson's writing is that it should be determined by market forces, but to have you pay simple interest on your national debt is consistent with the gross national product. They run parallel, and they can go on indefinitely. But to be paying compound interest and your ability to pay is growing at a simple rate, it's like . . . I'm sure you've heard the old example of if Jesus loaned one dollar to a disciple on the day he died and the disciple agreed to pay him back at 3 percent compounded interest 2,000 years hence, the amount he would owe today is \$47 trillion trillion; 4.7 times 10^{25} . There's not that much money on the planet. That's to repay a one dollar debt at 3 percent interest over 2,000 years. That illustrates the fallacy of compound interest.

MR. CHAIRMAN: John McInnis.

MR. McINNIS: Max, in your opening comment you mentioned the fact that 5 to 10 percent of the population owns more than 50 percent of the property in our society. This morning, as our chairman mentioned, the government of Canada introduced new proposals for the Constitution, which I regard as Brian Mulroney rolling the dice once again. One of the proposals there is the idea of putting the rights of property in the Charter of Rights and Freedoms. There's nothing about expanding rights of individuals particularly. I was intrigued by your proposal to put an end to usury or control of usury laws. Do you think that

perhaps property rights in the Constitution might prevent that approach? If property has rights, then lenders have rights as well, and your usury laws would be struck down.

MR. MacCRIMMON: Well, there are constitutional lawyers in our society that will argue that even though property rights were specifically omitted in 1982, they're still inherent. Now, that's never been tested in court. I think property rights definitely have to . . . In a way, the British Constitution, where a British citizen can do anything that's not specifically prohibited by law, is a much freer system. But if we're talking about enumerating and codifying the items, if you don't have right to your own property, then who does it belong to? It belongs to the state, and that's totalitarianism.

MR. CHAIRMAN: Well, thank you very much, Mr. MacCrimmon. I had the advantage of reading Dr. Thompson's work back almost 10 years ago, and that, of course, was produced at a time that there was a considerable debate in the country about whether or not to adopt the Constitution of '81-82. I appreciate you bringing that again to my recollection.

Thank you for your thoughtful presentation.

MR. MacCRIMMON: Thank you.

MR. CHAIRMAN: Andrew Bear Robe. Welcome back, Andrew. Not so long ago we sat at the same table, but the composition of the table has changed somewhat since then, and we now have all-party representation. We look forward to hearing your comments today.

MR. BEAR ROBE: Thank you, Mr. Horsman.

MR. CHAIRMAN: Are those copies for us?

MR. BEAR ROBE: Yes.

MR. CHAIRMAN: Okay. Thanks.

MR. BEAR ROBE: Before I start, I must apologize that my official presentation today I've not had time to get typed, but what I will do is send it into your office this week. I'll have it typed today, and if you would bear with me, that is another one of my publications which you can keep as a souvenir. It's been autographed. So that's what I leave with you today, but please don't read it when I'm talking.

Today I bring with me sweet grass, the food of the buffalo. The sweet grass signifies our sense of spirituality, our sense of peace and friendship. Whenever an Indian elder or an Indian leader speaks, usually sweet grass is present.

Today I'd like to touch upon a conceptual ideological topic that I call treaty federalism, which I believe is a concept which will serve us well for the entry of Indian First Nations into Canadian Confederation. My presentation today is divided into mainly three parts. The first part deals with the rationale for Indian governments in Canada today. The second part deals with the practical meaning of Indian First Nation governments in Canada. The third and final part of my presentation deals with the concept of treaty federalism.

It is indeed an honour and a privilege for me again to be able to address this august body of men and women gathered today to consider what may keep our country together. I speak to you as an Indian leader from the Siksika Nation and also as an executive member of the Indian Association of Alberta. However, my views and opinions are my own and do not necessarily represent the position of the Siksika Nation nor the IAA.

Today I wish to address only one of the several pressing aboriginal constitutional issues that we would all, as Canadians, like to see resolved soon. That issue that I will deal with

concerns the aboriginal right to self-determination or, if you like, the aboriginal right to self-government. I will not touch upon the other major issues dealing with Indian land claims. However, I wish to make it abundantly clear that those several aboriginal issues are not new, emerging constitutional issues such as Quebec's demands for a distinct society status nor Alberta's demands for a triple E Senate nor Ontario's demands for a new social charter in the Canadian Constitution.

9:59

The issue that I wish to address today is as old as the European claim of discovery of North America itself. In order to fully appreciate this age-old issue, we must consider it within the proper historical context. Without a proper historical backdrop, the comments I will make today may seem to be outrageous and presumptuous positions to the average Canadian. Indian leaders have been voicing these same concerns at least since the end of World War II. The difference today is that Canadian society is just beginning to take our concerns more seriously, but that did not come about as a result of pure goodwill nor a heavy dose of moral persuasion. Rather, Indian First Nations in Canada had to do some pretty hard and constant political lobbying both within Canada and outside Canada. We have all witnessed the international attention that has been drawn to the Oka crisis of last summer, when the Mohawks confronted the Quebec provincial police, and the recent fight over the Great Whale hydroelectric power project in northern Quebec between the James Bay Crees and the Quebec government. It is not surprising to me that a lot of the major problems today stem from the province of Quebec, because that province has never respected native rights and continues to act as if Indians did not exist in northern Quebec.

The Supreme Court of Canada also helped in the process of eloquently highlighting aboriginal constitutional and legal issues to new heights of legal respectability. I am referring to such landmark cases as *Calder v AG/B.C.* 1973, which acknowledged the existence of aboriginal title within the English common law. The *Guerin* case of 1984 established that the federal government has the legal obligation to act in a fiduciary manner when dealing with the aboriginal peoples' interest in their lands. The *Simon* case of 1985 said that treaties and statutes relating to Indians should be liberally construed and uncertainties resolved in their favour. The *Sioui* case of 1990 held that pre-Confederation treaties made with Indian nations, such as the 1760 Huron treaty with the British, remain in full force and effect until the Indians themselves decide and consent to terminate such treaty relations, even though the federal or provincial governments – and Quebec in this case again – may have acted in a manner contrary to those treaties.

The *Sparrow* case of 1990 was the first high court decision dealing with section 35(1) of the Canadian Constitution regarding treaty and aboriginal rights, and it held that the aboriginal right to fish for food takes precedence over commercial and recreational fishing. It also stated that section 35 of the Canadian Constitution has changed the way the courts should deal with aboriginal law in Canada and that the federal government cannot pass any law infringing upon treaty and aboriginal rights which breaches its fiduciary obligation to the Indian peoples.

This brings to my mind the words of Dr. Lloyd Barber, the federal land claims commissioner under the Trudeau government, who stated not so long ago, in 1974:

I cannot emphasize too strongly that we are in a new ball game. The old approaches are out. We've been allowed to delude ourselves about the situation for a long time because of a basic lack of political power in native communities. This is no longer the case and there is no way that the newly emerging political and legal power of native people is likely to diminish. We must face the situation squarely as a political fact of life, but more importantly, as a fundamental point of honour and fairness. We do,

indeed, have a significant piece of unfinished business that lies at the foundation of this country.

So let me now turn to this significant piece of unfinished Canadian business that lies at our national foundation. I will now address the issue of the rationale for Indian governments in Canada today. The issue of the establishment of aboriginal governments within Canadian federalism is indeed a very complex constitutional, legal, and political issue. The issue is exacerbated by unavoidable public misconceptions, unfounded fear, and, I would say, racism and lack of proper information. But let me tell you that it is not an overbearing, nation-threatening, nor overly ambitious constitutional position, as Quebec's demands for a distinct society status or even outright separation from Canada as being proposed by Jacques Parizeau and his Parti Québécois.

As an aboriginal leader from Alberta I cannot find any reason to agree with Mr. Parizeau's vision of a divided Canada. It is both unthinkable and treasonable. However, I do agree with Matthew Coon-Come, the grand chief of the Cree of northern Quebec, that if Quebec decides to separate from Canada, it cannot take the Indians with it because they are protected under federal laws and are a pristine and cogent example of exclusive federal responsibility and jurisdiction. Quebec cannot separate from the rest of Canada when there are major land claims for a majority part of Quebec where Indian lands have never been ceded by any treaty. Both the James Bay and Northern Québec Agreement of 1975 and the Northeastern Québec Agreement of 1978 are federal and provincial shams.

It is very apt that the very name of our beloved country that we all call Canada is derived from the Huron language. Canada comes from the Huron word "kanata," meaning a village or a settlement. Jacques Cartier himself, the father of New France, in 1535 referred to the province of Canada to mean the area subject to Chief Donnacona, the Huron chief at Stadacona, the present site of Quebec City.

Without going into a long historical journey, suffice it to say that the earliest European visitors and settlers in Kanata recognized and acknowledged the ownership and jurisdiction of Indian nations over their traditional lands. That is why King George III of Great Britain issued the Royal Proclamation of 1763.

10:09

During the 1820s and 1830s Chief Justice John Marshall of the U.S. Supreme Court, in a number of landmark Indian rights cases, laid the juridical foundations for Indian sovereignty in what was once British North America and at a time when Indian lands were referred to as the Indian territory or Indian country. In his judgment in the 1932 case of *Worcester v the State of Georgia* he stated:

... The Indian nations had always been considered as distinct, independent political communities, retaining their original natural rights, as the undisputed possessors of the soil, from time immemorial . . . The very term "nation," so generally applied to them, means "a people distinct from others." The constitution, by declaring treaties already made, as well as those to be made, to be the supreme law of the land, has adopted and sanctioned the previous treaties with the Indian nations, and consequently admits their rank among those powers who are capable of making treaties. The words "treaty" and "nation" are words of our own language, selected in our diplomatic and legislative proceedings, by ourselves, having each a definite and well understood meaning. We have applied them to Indians, as we have applied them to the other nations of the earth. They are applied to all in the same sense.

Our first Prime Minister, John A. Macdonald, also knew and observed the need for treaty-making in order to obtain Indian lands to settle what was then known as the North-West Territories, out of which the prairie provinces were carved after the turn of the century. In writing to Edgar Dewdney in 1883, the Indian commissioner for the Blackfoot tribes of the old North-West Territories, Sir John A. stated:

The original treaties of surrender with the Indians are with the Nations and can therefore be dealt with by the Chiefs. But when a specific Indian Reserve has been established, each Member of the Band has a legal interest in the Reserve, a title in fact, of which he cannot be deprived without his assent.

Therefore, the rationale for the recognition and establishment of Indian governments in Canada today rests upon some notion of residual domestic and internal Indian sovereignty, but not absolute sovereignty and independence.

The Indian First Nations do not accept the argument that our right to be self-determinant must be through some sort of federal or provincial delegation of powers. Indian First Nations maintain that Indian laws must come from our own sense of spirituality, our customs, traditions, and values, and that they must be accommodated within the present structure of Canadian federalism. Indian First Nations had no input, no consultation, no sense of ownership of federal and provincial laws, which were all forced upon us, especially the much despised federal Indian Act. If I were to characterize the notion of residual domestic and internal sovereignty, I would refer to it as protected sovereign status within Canada. The notion of protection is to be found in the Royal Proclamation of 1763, which is part of the constitutional law of Canada and is certainly referred to as the original charter of Indian rights.

Now, to turn to the practical meaning of Indian First Nation governments in Canada. First of all, let me state what they are not going to be like. Indian First Nation governments will not attempt to create their own armed forces nor create their own currency nor establish high commissions in foreign countries. They will certainly not attempt to tear apart Canada. Many of our fathers, brothers, and sisters fought in the two great world wars to maintain western democracy, our collective freedom as Canadians, and the integrity of our nationhood as Canadians. This sentiment is still strong today.

Indian First Nation governments will enact laws similar to any other responsible and democratically elected Canadian government. The laws enacted by our governments will be for our own people and for our own lands, nothing more and nothing less. Indian First Nation governments already exercise self-government in many areas, such as social assistance, child welfare, education, taxation, policing, health, and several others. Other areas being considered by an Indian First Nation, such as the Siksika Nation, include matters such as transportation, administration of justice, environment, natural resources, local trade and commerce, to name a few. Therefore, Indian First Nation government arrangements, either through a constitutional amendment to recognize and acknowledge the aboriginal right to self-government pursuant to sections 35(1) of the Canadian Constitution or through some other means, such as special federal legislation, will merely make official what is being done unofficially, at least as far as the Siksika Nation is concerned.

In a federal country such as Canada, and the United States of America as well, we practise the notion of shared sovereignty between a federal government and the provincial/state governments. Within Canadian federalism it is not a far-out, radical notion to establish an Indian First Nation Crown in addition to the federal and provincial Crowns.

I do not envisage that all 542 presently existing Indian bands in Canada will opt to exercise individual self-governing powers. Certainly a large tribe like the Siksika Nation can entertain the idea of exercising self-governing powers in its own right. Other, smaller tribes may opt to form regional or district governments, depending upon their human and financial capacities. Still others may want to remain under federal control pursuant to section 91(24) of the Constitution Act via the Indian Act.

Now let me turn to treaty federalism. Protected sovereign status for Indian First Nations in Canada could become a possibility under the constitutional concept of treaty federalism. Under that concept Indian First Nations would be able to exercise their residual, domestic, and internal sovereignty and inherent rights, such as the right to self-government. The term "treaty federalism" was coined by American native lawyers Laurence Russel Barsh and James Youngblood Henderson in their 1982 book entitled *The Road: Indian Tribes and Political Liberty*. According to the authors, the primary object of treaty federalism is aimed at securing internal tribal sovereignty under long-established constitutional principles governing United States federal/Indian relations. They also perceived treaty federalism as being consistent with liberal and democratic principles that characterize western political societies; i.e., consent of the governed, representation in the Congress or Parliament, political pluralism, and the will of the people being paramount. Treaty federalism, in essence, is another way of describing the historic and special Indian/federal relations since earliest colonial times, only this time it takes those special relations into the 20th century political ideology. The concept is especially helpful for the creative establishment of internally sovereign tribal governments in circumstances where conventional statehood or provincehood would be politically and constitutionally inappropriate.

10:19

Barsh and Henderson describe treaty federalism as follows. Treaty federalism is not an entirely novel idea. It simply re-interprets the sources of federal Indian law to be more consistent with our general political and ideological heritage, and in a way reconcilable with the realities of tribal survival today . . . The tribe in its treaty submits to federal supremacy, ceding a portion of its sovereignty. What it cedes is somewhat more or less than a new state [or in Canada, a province], perhaps also somewhat different. In any event, the acceptance of the cession requires no compensatory alteration of the general government.

Time does not allow me to go into any more detail and depth regarding the notion of treaty federalism. Suffice it to say that it is entirely possible to enter into new treaty arrangements between the federal and provincial governments in order to implement and operationalize internal Indian sovereignty and Indian self-governing powers.

In Canada we have 15 major land cession treaties spanning the years between 1850 and 1923. Those instruments are silent as to the continuation and existence of Indian governments. It is time that we revisited what has served both Indian nations and the Canadian government in the past, even though the benefits all accrued to the nonaboriginal society. Perhaps this time it will be our turn to get a better cut in the deal.

The recommendations that I would like to present to this special select committee are that the province of Alberta needs to establish linkages with Indian First Nation governments like the Siksika Nation in areas of sections 92 and 93 powers, particularly in areas of education, health, social assistance, policing, and so forth. Secondly, the Alberta government should establish a structural mechanism to deal with Alberta Indian

relations to work on relevant constitutional issues as they pertain to a provincial jurisdiction. There has to be a dovetailing of Indian First Nation powers with provincial jurisdiction as well as, not mentioned, federal jurisdiction.

That's the end of my comments today. Thank you very much.

MR. CHAIRMAN: Thank you for your comprehensive proposal further to the discussion we held with the task force, which is part of our background material as well, Andrew. I appreciate your thoughtfulness. Due to the length of your presentation it's going to be a little difficult to have extensive dialogue with you, but Pearl would like to comment, and John McInnis.

MS CALAHASEN: Three questions, if I may, Mr. Chairman. Actually, I want to make a comment, first of all. Canada, you said, in Huron means "small villages." In Cree we claim Canada means "a clean nation," or "a clean country." I just wanted you to see the different views.

Going on that, the views of sovereignty amongst the different bands are totally different, even in our own province and even in my constituency. You brought out some ideas as to how that can be dealt with in terms of what we do regarding sovereignty issues. Maybe different bands have different ideas as to what could be done. I just wanted to know: what process can we use to ensure that we get the views of the Indian people, to get the collective thoughts relative to self-government?

MR. BEAR ROBE: I think the parallel process established by constitutional minister Joe Clark and the grand chief of the Assembly of First Nations, Ovide Mercredi, is a very good start. I would hope that that process will include the Metis and Inuit so that we will establish our own form of constitutional consultation with our own people, to have their report and recommendations coincide with the national unity task force report, which I understand will be made available very shortly.

MS CALAHASEN: I think that on a national scale, that's excellent. But on a provincial scale what we've tried to do is hold meetings, or at least we've written letters to the various leaders to see whether or not they would like to meet with us on the constitutional issue. To date I don't know if we've received any . . . We have?

MR. CHAIRMAN: The Indian Association and the Native Council have now indicated that they would like to engage in that discussion. So we're basically waiting to hear from the Metis Association of Alberta.

MS CALAHASEN: Is that a process you feel is something where we can start to address the differences that occur and come up with some sort of a focus?

MR. BEAR ROBE: Yes. That was my concluding comment, that I would hope that the province of Alberta will establish some kind of a process or mechanism, an Alberta-made aboriginal constitutional process whereby we would consult with our own population to bring our thoughts more focused and to achieve some kind of a common front, I guess, in how we're going to deal with our future survival within the new Canada which we're all talking about today.

MS CALAHASEN: Thank you.

MR. CHAIRMAN: Thanks very much, Pearl.
Yes, John McInnis.

MR. McINNIS: I'm sure you know better than any of us that the concepts of Indian self-government have become something of a political football over the past 10 years: many meetings, many discussions, very little progress because it is said that Indian self-government has to be defined to the satisfaction of all the participants. This morning the government of Canada announced a proposal that there would be, essentially, another 10 years of this, another 10 years of kicking the idea around, perhaps leading to an agreement, perhaps not, and thereafter it would be left up to the courts to define Indian self-government. Do you have any reaction to that proposal? I would understand if you wanted to take time to think about it, but perhaps, if you do, you'd like to share it with us.

MR. BEAR ROBE: I don't think it has to take 10 years. I think all it requires is that the political leaders of our country – and I'm talking about the federal and provincial first ministers and various ministers responsible for the Canadian Constitution – and also our aboriginal leaders sit down and come to some kind of agreement in principle to implement aboriginal self-government. I think to say that it will take another 10 years is a stalling tactic.

As far as leaving it to the courts, I think that is not the route which aboriginal leaders want to take. They want a political, negotiated form of aboriginal self-government hammered out in a forum such as this. It doesn't have to be left up to the courts. Like I mentioned in my presentation, a First Nation like the Siksika Nation is already exercising a mild form of self-government, albeit under the Indian Act, but we are stretching our self-governing powers to that limit under the Indian Act. Therefore, we have chosen to pursue a process which we call a community-based self-government process, whereby we will build special federal legislation to implement our self-governing arrangements, similar to the Sechelt Indian Government Act, only this time it is going to be called the Siksika Indian government Act. We would have to eventually sit down with the provincial authorities at some point in our negotiations and discussions.

MR. McINNIS: Thank you for your insight. I didn't want to mislead you on one point: I don't think it has to take 10 years. It's just that if there is no agreement within 10 years, then it will go to the courts. That was the proposal.

MR. CHAIRMAN: Andrew, I very much welcome your presentation this morning. One of the key elements in it is your suggestion that we must sit down together, with the federal government, the Indian governments, and provincial governments together. We can't do it separately. That, quite frankly, as I've said before, is a major shift from the position taken up to 1987 by the Assembly of First Nations, which then said, "We will not talk to the provincial governments." I always said that that won't work. All three levels must sit down together and work out the deal. Then, when it's satisfactory – and it could vary substantially for the Siksika Nation and the something in British Columbia – it may be quite a different deal to suit the individual circumstances.

I very much appreciate your presentation and your willingness and desire to work with us to find the appropriate form of self-government that will work for your people, because that's really the key element that we need to achieve.

Thank you very much, Andrew.

10:29

MR. BEAR ROBE: Thank you very much.

MR. CHAIRMAN: I call on William Partridge, please. Good morning.

MR. PARTRIDGE: Good morning, Mr. Chairman, and members of the committee. Just by way of preamble, when I was doing my workout this morning, I witnessed the Prime Minister bringing down his statements in the House. On the way over here to make a presentation to this committee, this button separated itself from my blazer. I have to wonder out loud, tongue in cheek, if that's an omen.

MR. CHAIRMAN: I hope not.

MR. PARTRIDGE: I also must apologize. I did have a presentation copied for all of you. It was brilliantly written, thoroughly researched, and a lovely presentation. I set it aside last night, at 2 o'clock in the morning: "I've finished this." What I really want to do is just talk to you. I'm a citizen of Canada. You've got an important task ahead of you, and I just want to tell you what I feel. Having done that, I'll have done my part; then it's up to you and others like you.

First of all, I'd like to say by way of appreciation that it's a good thing that members of the Legislature are doing, getting out and finding out what people think. As I said just a few moments ago, it's an important task at hand, and we've got to do it. What I have to say today is strictly my own personal point of view and is not a representation on behalf of any group or organization that I may be associated with. I have a number of points to make, and I shall endeavour to make them within the allotted time. More than anything I hope that my comments may be thought provoking and make a contribution to this process of constitutional reform.

What our nation is going through at this time, in my view, is a period of self-discovery. Unfortunately, it is most likely too late for a long-lasting cure, though I sincerely hope it isn't. What we're likely to experience is a lengthy, painful, if not gut-wrenching process of emotional debate. The issue is: are we capable of restructuring Canada into a form which will assure its survival? I'm not highly optimistic, although I would really like to be.

As an approach to finding a solution to our national problem, we've got to first define what that problem is, and I fear that a lot of people are going to spend a lot of time running around finding solutions to problems which we haven't defined. We must determine where we are going as a nation. What are we all about? A clear definition of Canada and a Canadian, in my view, is elusive.

Our country is in a shambles from a number of perspectives. Let me just go over a few. The population in Canada, I believe, harbours tremendous distrust of its institutions: government, politicians, police, church, schools, the law, and the legal system. They're all suspect in the minds of the people. Each in its own way has failed us. There are many examples which can easily be called to mind. I'm sure we can all think of them. What this tells me is that there is a need in the country for what I'll call a moral renaissance. Institutions must be worthy of trust, for without trust, by definition there can be no respect.

Our societal systems are without balance. There's no balance in the power alignments of the national government structure. It is possible under the current system that one political entity can exert significant political influence over the other entities. The partnership, in a word, is not equal. The proposal for something like a triple E Senate is a move in the right direction, but I don't think it's enough. There is a constitutional imbalance

through the Charter of Rights and Freedoms, well intended I'm sure, but it needs a counterweight; for example, a charter of duties and obligations. All our contracts are bilateral, so why not this social contract, the Charter of Rights and Freedoms and the charter of duties and obligations, a balance?

Canada has suffered long from a leadership vacuum. There appears to be no one at the helm as if to say, "Follow me, boys; here's where we're going." If we had to set national goals, national objectives, perhaps we could foster a national harmony. For example – and this is totally arbitrary – if we set a goal that Canada will become the world leader in long-distance, high-speed transportation technology, it would send a clear message to other systems in our society of where we're going and what is expected of them. I would suggest it would unleash powerful forces, and we would accomplish those goals. There are so many things that Canadians have done and can do better than anyone else in the world. What we've failed to do is grasp those resources, channel our efforts, and do it. In the absence of genuine leadership we have promoted by default a system which fosters regionalism and factionalism, and that's the problem we're coming to terms with right now.

We need, I think, to promote a Confederation based on equality of the partners, one based on trust and mutual respect. The concept of distinct society is wrong. "Distinct" by definition imparts inequality. This concept should be rejected. It is not acceptable to base a partnership on an imbalanced relationship. If we choose distinct society as a condition to restructure the confederacy, I think we're doing nothing more than laying the foundation, in stone, of the country's ultimate demise. Distinctiveness conjures up the notion that everybody is equal but some are more equal than others. Will a distinct partner receive a distinct interpretation of the Constitution, or will it apply the law of the land in a distinct way? If we are to have a legitimate national unity, we must base it upon the concept of national oneness. The playing field for all partners must be level.

What would a restructured Canada look like? To be honest, I don't know. However, when I look at Canada from a purely intellectual perspective, emotionalism totally set aside, I see no reason why a trilevel system of governance should exist. When we look at the map, we see the second largest national landmass in the world, but let's analyze it realistically: 90 percent or thereabouts of the population lives within a hundred miles of the border; 80 percent or better live in urban areas. The dimensions of the country are, in effect, 100 miles by 5,000 miles, or the metric equivalent thereof. It's kind of like a horizontal Chile. The natural order is probably something organized along the lines of natural or economic regions rather than the provinces as we now know them. That's not going to please a lot of people. Of course, that's the problem. Everybody wants the power, no one wants to relinquish it, and everybody has difficulty sharing it.

It will be an enormous challenge to reorganize Canada's economic districts. The current round of constitutional discussions probably has more to do with Quebec than Canada. There is absolutely no doubt at all that Quebec is emerging as a nation-state. This certainly is and has been the long-term trend, to gain sufficient political and economic strength. It is now able to exert enormous influence on the political process. To its credit, Quebec has come to terms with its identity and has become very assertive in buttressing that identity. The rest of us don't know where we are. Collectively we don't know where we are. In many respects Quebec is in the driver's seat. It knows where it's going and dearly wants to get there. This is more than we can say about the rest of the partners.

A restructured Confederation should be accountable to its constituents. Nothing except elections every five years or thereabouts requires governments to be accountable, and even then it's not a fail-safe system.

10:39

The Fraser Institute recently reported two interesting findings: one, that on average Canadians pay 53 percent or thereabouts of their earnings in taxes; and two, the families with combined incomes of about \$43,000 receive more in social benefits than they pay in taxes. Imbalance. There's a message in there. Our society is in danger if this imbalance continues. A saturation point has been reached. We cannot permit ourselves to live and spend beyond our means. We are borrowing to pay the interest for programs that we originally had to borrow money to pay for, and that's not right. We have mortgaged our children's futures, possibly those of our grandchildren. When they come of age, it is not out of the question that they will object to the assumption of a crippling debt load, and this suggests that the seeds of a significant social readjustment have been sown. It's only a matter of time. There needs to be a constitutional adjustment which protects citizens against spendthrift government. At this point there are none that come to mind. Such specific limitations on spending will send a clear message to the country and at the same time add to the notion of balance in society. This is a case of balance in the budget.

The concepts of biculturalism and multiculturalism as they're currently in place, in my mind, have failed, and these need to be abandoned. What needs to be put down in its place is the promotion of Canadianism, the concept of oneness. Multiculturalism has done nothing more than drive wedges between various groups in the country at the expense and the sense of nation. As I said earlier in my remarks, we have systematically failed to come to terms with our own nationhood, and by default we've evolved into a cultural potpourri which no one, and least of all ourselves, is able to comprehend.

Let's summarize. Sir Wilfrid Laurier said in about 1910, as I recall, "The twentieth century belongs to Canada." He was correct. It was a young country with abundant resources and a growing population. There was every reason for his prophecy to become true. However, he did not anticipate the political shortcomings of the nation. A succession of governments stymied by their own ridiculous sense of national inferiority systematically screwed it up. We squandered our national birthright to the point where we are little better than a high-latitude banana republic, and that's a shame. Now, as we enter another round of national navel-gazing, we appear to be more concerned about the form rather than the substance. This is little more than a band-aid solution when major surgery is required. It's a strange land, and there's no doubt about that. In some ways perhaps it's the country that never should have been, but here it is, good, bad, or indifferent.

The job of fixing it belongs to all of us. This is one of those jobs that takes courage, wisdom, and, most of all, vision; in other words, leadership. Moreover, we must do what's right. Quick fixes, political expedients are simply not enough. Solutions perceived to win the next election would be morally incorrect at this time, and I believe the electorate will see through it. We need intellectual honesty in these discussions. The plague of political survivalism must be set aside, for there's just simply too much at stake. We need a constitutional balance, a societal balance, and an economic balance to put the country at ease. A partnership out of balance, in my view, is simply not a partnership at all.

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

Are there questions members of the panel would like to pose?

Let me just try something on you. The word "distinct" relative to Quebec is one that's being advanced again today, and without commenting as a definitive position on the federal government's proposal, what they are proposing to do is define the word to language, culture, and civil law. Basically those were the three things which were guaranteed to Quebec after the conquest and in effect entrenched in the Constitution of 1867. The Civil Code, for example, is quite distinct from the British common law system which the rest of the provinces enjoy. Are you suggesting that those things be removed from the province of Quebec: language, culture, and the Civil Code?

MR. PARTRIDGE: Am I suggesting that they be removed? Well, let's examine first of all why they're there. As I recall the year 1759, the Quebec Act that emanated from the conquest, as I understand the history, was a political expedient. The conquering armies had greater priorities in Europe at the time and, simply put, the British military cut a deal with the French-Catholic clergy to guarantee their position as administrators of that land. That situation existed until the end of the Duplessis regime, I believe, in the '60s. I think if we say that we are equal, and what you have now is what you proceed with . . . When I came into the world, I accepted it as I found it. I didn't come here to apologize for the mistakes and the follies of my forefathers. I see no reason why one ethnic group should be centred out for having something which other ethnic groups aren't entitled to. In fact, I see that as part of the problem. The short answer is no; the longer answer is yes. Somebody comes to the table to make a deal, and if you want to make a deal, you've got to be prepared to give and you've got to be prepared to take.

MR. CHAIRMAN: Okay. Well, it's an interesting dialogue we're going to have in the next period of time, and it may centre around that one very word, "distinct." Perhaps on that the nation will survive or not. In some respects, without wanting to put words in your mouth, you're accepting the thesis advanced to us by Mr. Parizeau that the rest of Canada would be better off without Quebec.

MR. PARTRIDGE: I don't happen to agree with that. Unfortunately, I see it in the long haul as probably inevitable. If you want to ask me the question if I think Quebec will leave, I think perhaps in the long haul it's less a matter of will Quebec separate as opposed to the rest of the country coming to grips with it and saying we've had enough and booting them out.

10:49

MR. CHAIRMAN: Okay. Well, thank you for your presentation. It's going to be an interesting few months or years ahead of us.

Sheila Murphy. Good morning.

MS MURPHY: Good morning, Mr. Chairman and members of the committee. I have a brief presentation.

Mr. Chairman, first I would like to congratulate you and the other members of the Select Special Committee on Constitutional Reform as well as our Premier, Don Getty, for initiating this process of public consultation. The Constitution belongs to all of us as Albertans and Canadians, and it is for this reason that all Albertans should have an opportunity to provide input before we begin negotiations on constitutional reform. I am pleased

that this committee has seen fit to hold a second round of public hearings. The number of people who have expressed an interest in appearing before your committee demonstrates the interest people have in the future of our country. I should say also, Mr. Chairman, that I am pleased that this committee has representation around the table from all political parties currently represented in our Alberta Legislature. Canada is too important for our politicians to resort to partnership and partisan interests, and I wish you well in your efforts to formulate a truly Alberta position.

MR. CHAIRMAN: I'm just going to stop you for a moment.

MS MURPHY: Certainly.

MR. CHAIRMAN: Is it "partisanship" you meant to say or "partnership"? I noticed that . . .

MS MURPHY: I said partnership and partisan, didn't I? Maybe I misread it.

MR. CHAIRMAN: "Resort to partnership." Did you mean partisanship?

MS MURPHY: I'm sorry. That should be partisanship.

MR. CHAIRMAN: Okay. We're keeping a record, so perhaps the record will be corrected on that point.

MS MURPHY: It is "partisanship and partisan interests" - I'm sorry, Mr. Chairman - and I wish you well in your efforts to formulate a truly Alberta position.

The Constitution is a comprehensive document covering many different aspects of Canadian life. Today I wish to address three areas: the need for Senate reform, the amending formula, and the division of responsibilities between the federal and provincial governments.

Alberta must continue to stress the need for comprehensive Senate reform. Canada needs a triple E Senate, a Senate which is elected by the people, with equal representation from each province, and which is effective in representing the provinces in the federal Parliament. As an Albertan, I am proud of the work our government has done to move this issue onto the national agenda. It is not so long ago that Alberta was the only province advocating a triple E Senate. Now almost every other provincial government and even the federal government realize and agree that the Senate must be reformed. We are the only province which has elected a Senator to represent us in the upper House. That was a bold move, and it really started the movement. Your report must include a triple E Senate as our number one priority for constitutional reform.

There is still plenty of work to be done to define what we believe a triple E Senate will be, more specifically the effective E. I like Premier Getty's suggestion respecting the effective E. He said that when federal legislation deals with an area of provincial responsibility, the new Senate should have an absolute veto; in the instance where legislation deals with areas of shared responsibility, the Senate should have a suspensive veto; and where legislation deals with areas of exclusive federal jurisdiction, then the Senate could fill the role of sober second thought with the ability to set changes to improve the legislation only. This seems a good starting point for these discussions.

Mr. Chairman, we need a united Canada which is made up of strong, equal provinces. We cannot have a situation where

Quebec and Ontario have a vote over constitutional amendments. That would create first- and second-class provinces. We must . . .

MR. CHAIRMAN: I'm sorry. Is that "veto" rather than "vote"?

MS MURPHY: A veto, yes.

MR. CHAIRMAN: Sorry.

MS MURPHY: Boy, we had a . . . Thank you.

. . . would have a veto over constitutional amendments. That would create first- and second-class provinces. We must retain the current method of amending the Constitution. The current formula, which calls for seven of the 10 provinces representing at least 50 percent of the country's population, was originally proposed by Alberta. It was agreed to in 1981 and entrenched in 1982 after years of difficult discussions. That formula embodies two key principles which are very important to maintain: firstly, that Alberta has equal constitutional status with all other provinces, and secondly, it respects the rights, proprietary interest, and jurisdiction of Alberta against assault by the federal government on any other province.

With respect to the division of powers between the federal and provincial governments, I do not want to see any federal intrusion into provincial jurisdiction. Alberta must retain control of education, health care, social services, and natural resource management and control. Canada is too large and diverse a country to have centralized decision-making. I do not want to empower Ottawa bureaucrats to make these fundamental decisions. We as Albertans are best able to decide matters that impact Alberta.

There are many challenging issues which this committee must take on. I wish you well, Mr. Chairman, and now I would be prepared to answer any questions.

MR. CHAIRMAN: Any questions or comments from members? Yes, Gary.

MR. SEVERTSON: I'd just like to ask the one question on the triple E that I've asked before. On the equal part, do you think we as a province should stay strong on our opinion that it should be equal, or . . . I haven't had time to read the document. A weighted Senate was proposed today.

MS MURPHY: I believe equal and effective are extremely important. I have been a member of the triple E Senate since its inception, so I feel strongly about it. I believe the election of our Senator, the first one in the country, was a very bold and brave move and it sent its message.

MR. CHAIRMAN: Just to follow up on that point, looking at the paper which came out today – you obviously wouldn't have had time to review it – what they're suggesting is a much more equitable Senate, but there will be a process by which the federal parliamentary committee will consult with other provinces. We'll be holding a meeting between that parliamentary committee and this select committee at some time in the future, as part of the dialogue in the next few months. What I hear you telling me is hang tough on the equal E, right?

MS MURPHY: Yes, absolutely.

I would just like to close, if I may, by saying that I came to this country as an immigrant. I came from a country where I

have to show my passport when I enter six counties of that country. I am a Canadian; my children are Canadian; my grandchildren are Canadian. I don't want to see this country torn apart for two words.

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

Let me take a guess that you came from Ireland.

MS MURPHY: Absolutely. I don't think we understand and appreciate the country we have.

MR. CHAIRMAN: Thanks very much, Sheila.

Leslie Fauvel. Is that the correct pronunciation? Leslie, I just have to slip out for a moment. My colleague Mr. Rostad will chair the meeting. Excuse me; I'm not trying to be rude, but I must for a moment or two be away.

[Mr. Rostad in the Chair]

MS FAUVEL: I would like to apologize for my back being to the members of the public here. It poses a problem whether one should sit at the left or the right, really.

MR. ACTING DEPUTY CHAIRMAN: It's up to you; wherever you're most comfortable. If you want to just take Sheila's card down there.

MS FAUVEL: There's no centre.

MR. ACTING DEPUTY CHAIRMAN: Did you have some documents you want to distribute?

MS FAUVEL: I do, and I will be happy if Garry could distribute them at the end of my presentation.

MR. ACTING DEPUTY CHAIRMAN: Okay. Sure.

10:59

MS FAUVEL: There are some supporting documents there which I think are valid ones for perusal.

It's my pleasure to address the practice of expecting children to conform to religious dogma while attending public non-denominational schools in Alberta. I would like to begin by reviewing provocative comments of adult survivors of the native Christian residential schools set up by the federal government, which now are closed in Alberta. Native people report that far worse than the physical beatings they endured at these schools were the authoritarian religious injunctions placed upon them. Rejected was the native's right to his own beliefs. His spirituality was to be broken and substituted with the Christian pedagogy of Roman Catholic authorities. The tragedy of this event was so heinous that it even brought an official apology from the Roman Catholic Church. But the wounds suffered by these native survivors run deep, and they now report that they feel like an empty shell – not to be anyone, not to mean anything. In other words, in the hands of the Christian school authorities the native children were deprived of becoming themselves, that native identity which had been carefully nurtured for years destroyed and overridden by the Christian religious order.

Native peoples used these schools' methods to exemplify cultural genocide. I use them to exemplify "individualicide," which I believe occurs when an authoritarian's dictums interfere

with an individual's self-concept or self-actualization process. The religious abuse these native children faced was totally destructive to many. The psychological injury experienced today by non-Christian children in public schools is not as absolute and not as devastating. But how much damage is tolerable within a compassionate Alberta society? Whether or not an injustice is obvious or insidious, an injustice warrants attention and correction. Children as young as five years of age are expected to follow the rules and procedures of their school and are graded according to their academic and behavioural performance. The schools' authorities must therefore recognize the limit to their sphere of influence on the children. In public nondenominational schools a line is clearly drawn at religious discrimination and persecution.

The Lord's Prayer is a Christian's observance of religious duty. It is exclusively a Christian prayer. It is not a generic prayer. Placed in a Christian church, it belongs and is treasured, but foisted daily in a nondenominational school, it becomes hypocritical. Why must we refrain from using the Lord's Prayer in our public nondenominational schools? I have six reasons. First and foremost, it is un-Christian. Christ Himself explicitly states in the preamble to the Lord's Prayer – and this is the only place this prayer occurs in the Bible – to pray privately, to use this prayer privately and meaningfully and not to pray by rote or publicly. Observations are that this is what does in fact occur in the schools.

It is unconstitutional. Sections 2 and 15 of the Canadian Charter of Rights and Freedoms were specifically designed to give each individual freedom of religion and equality in matters of religion. Prayers of any sort may not be foisted upon a public forum.

Number three, it is socially divisive. According to the Alberta School Act, children are expected to either remain in the classroom or leave the classroom during school prayers. This provision of exclusion socially impedes the affected non-Christian children since they are ostracized by their peers and report feeling not liked by school authorities. The entire social networking of the school is undermined by this kind of selective discrimination and inequality. To make matters worse, the affected children are often of visible minority status and, therefore, face double discrimination. It should also be noted that some children empathize with the affected non-Christian children. Witnessing this event replayed day after day, they have reported feelings of guilt and helplessness within a situation they have no power to correct. So you see, even some children know that these prayers are not good for everyone.

Number four, it is psychologically intrusive. It remains an individual's most imperative duty to develop a sense of oneself and to be permitted high self-esteem while attending public school. This is how sound mental health is fostered. Placing in schools practices which discriminate against children on the basis of sex, race, or religion impedes this very important process. I note in the budget that another \$1 million had to be given to mental health services for children.

Number five, it is a violation of state/church separation. I and others have been told by Department of Education officials that Alberta is a Christian province. These officials do not seem to realize that state-run religion is illegal in Canada. In fact, both state and church function best when they're independent and when there exists no collusion between the two. We've all heard what strange bedfellows politicians and religiousists make.

Number six, it interferes with the role of a school. For a child the school is a very important institution, second only to the family. It is the school's mandate to model our social tenets

while fulfilling its educational agenda. I commend the school boards of Calgary, Rocky View, and Edmonton. They have responsibly addressed these issues and have developed religious policies which stand the test of the law and society. Regrettably, nearly all other school boards have not. With no regard for Charter provisions, these school boards have developed religious policies which at times make non-Christian children the pawns within the tyranny of the majority. Is it any wonder that so many religious bigotry issues keep resurfacing in Alberta?

I feel that the Alberta government, through this forum, should take every opportunity to safeguard the psychological integrity of every child attending Alberta's schools. Having been delegated the role of setting religious policy by the Department of Education, school boards should receive prudent guidance. The Minister of Education has a pivotal role in this regard. The Hon. Jim Dinning has in fact been repeatedly called upon to end religious practices which discriminate against non-Christian children in Alberta's public nondenominational schools. His suggestion to parents who complain to consider home schooling instead is unacceptable and even monstrous. These parents demand a change in protocol, which costs nothing to implement. By not changing it, however, the costs add up in the form of mental health counseling for affected children, re-education of adults who were taught by example in school to respect only the majority, and a legal defence when a Charter challenge is launched to make education authorities conform to the laws of our land.

The legal precedent already exists in setting the limit for religious material in Canadian public schools. The Sudbury school board and Elgin county, both in Ontario, were forced to remove prayers and religious indoctrination strategies from the classroom. School jurisdictions within B.C. and Manitoba have been correcting their school Acts to address religious discrimination. Our public nondenominational schools appear to have the mandate to teach, not to preach. Obviously, the Department of Education needs to carefully guide school boards in setting their morning exercises. Certainly many inspirational messages that espouse peace on earth and goodwill to man are available if a moral message is the ultimate desired effect a school board seeks.

We are fortunate indeed as Canadians that our society has been redressing the authoritarian burdens it traditionally placed upon its citizenry. Long ago the ethic was, "What we say is good for everyone." We now have laws that veto the power of the state in certain areas, laws that check the power of the authoritarian model. We live in a free country which permits individuals to become themselves with their own views and their own beliefs. This is recognized as being of paramount importance both in our Canadian Charter of Rights and Freedoms and in the international bill of human rights, which Canada endorses. Isn't it time that this province got on board?

One cannot uphold a religious practice such as the Lord's Prayer in public, nondenominational schools when in so doing one is breaking the principles of democracy and the supreme laws of this free nation. To the province of Alberta and its school boards I say: take the children as they are; respect their right to non-Christian beliefs; role model the social justice that Canada has guaranteed to all its citizenry, especially to the children. It is best in the long run for everyone.

I thank you for your time.

11:09

MR. ACTING DEPUTY CHAIRMAN: Thank you, Leslie. Questions?

MS BARRETT: Can I make a comment?

MR. ACTING DEPUTY CHAIRMAN: Certainly.

MS BARRETT: It's pretty clear from the literature you've attached and also from your brief itself that you've done a very thorough job in your analysis. I take the directive as being that the province should now conform itself to the obligations under the Charter of Rights and that we should do so as soon as possible.

MS FAUVEL: That's correct. The only thing that has been lacking in addressing this issue is political will; that's it. It's basically some messages to school boards explaining the limits to what they can do. I think the last page here in this, the Supreme Court of Canada in Ontario, the justice has clearly struck down all the reasons that Mr. Dinning gave me and that the Premier, too, gave me as to why Alberta can keep doing this. The same situations existed in these school boards as exist here, so it's a very clear legal precedent that this has provided. I think it's -- well, I don't know. Some say that they'd like to be on the defence of the 75 percent of the majority. I prefer to be clearly in the 100 percent of protecting civil rights for all.

MS BARRETT: Can you tell me . . . You said you had been told by department officials that "Alberta is a Christian province." Did that come from the minister's office?

MS FAUVEL: That came from the Department of Education. I believe it was a now retired person. Mr. Bill Duke said this to me when I brought up this issue. He claimed to pull ordinances from the North-West Ordinances Act, which has ordinances 29 and 30, 29 saying that public schools may open with the Lord's Prayer -- of course, this was part of 1901 legislation -- and the second one being that schools may have half an hour of religious instruction at the end of every school day. It's not even necessary to change it legally. Another interpretation of this is that although public schools "may" do this, they "must" not; I mean, they don't have to. This is something that was permitted at that time, but it need not be seen now as being a relevant provision.

MS BARRETT: Right. Thanks very much.

MS FAUVEL: Thank you.

MR. ACTING DEPUTY CHAIRMAN: Other questions?
Thank you, Leslie, for your presentation.

[Mr. Horsman in the Chair]

MR. CHAIRMAN: Jim Bond. Good morning.

MR. BOND: Good morning, all of you. I'm not here today because I want to plead for an unchanged Canada as, according to most opinion polls, the majority of Canadians would like to see, nor am I here necessarily to plead for a Canada reformed. I'm here today because I see many of my fellow Albertans and fellow Canadians searching in vain for an end to the endless Canadian unity debate. I am searching in the same way.

I was in grade 6 when Quebec held its last referendum, and although I was only 12 or 13, I felt a sense of relief come from those around me, not just because Quebec had decided to stay in Confederation but because there was a sense that the arguing

was over, that we could turn our attention to other things. I'm now in my final year of a BA in political science with a minor in Canadian studies. I realize now, probably as many others do, that the sense of relief in 1980 was unfounded.

I have also come to some other personal realizations about the state of our nation. I hope that by being here today, I might be able to share some of the information I have come across and some of the conclusions I have reached on certain aspects of our situation. I'm not going to give you some wide-ranging vision for the future of our country. I think the best we as Canadians can hope for is that we are all given the tools necessary to make a rational decision about the future of our nation and that once we have those tools, we can resolve this issue expeditiously and with finality.

When Lord Durham visited the colonies of Upper and Lower Canada in 1839, he reported that he "found two nations warring in the bosom of a single state." In 1991 it appears that little has changed. Canada's unity has been tested by two conscription crises, the FLQ crisis and the 1980 referendum on sovereignty association.

As I stated before, after the 1980 referendum there did appear to be a brief reprieve. Quebec nationalist feelings appeared to have diminished substantially, and the government of Canada promised action on the concerns of Quebecers. It was the promise of action on Quebec concerns during the referendum campaign and the subsequent lack of commitment on the part of the federal government that led to the current national unity debate, in my opinion.

When the Liberal government of Pierre Elliott Trudeau patriated the Canadian Constitution, it did so without the approval of the province of Quebec. Even though all the politicians working on behalf of the "no" campaign during the 1980 referendum promised, regardless of political stripe, to work toward the realization of Quebec aspirations within a Canadian framework, two years later the Constitution of the country was promulgated without the approval of the government which represented almost one quarter of the nation's population. It is obvious, then, that attempts had to be made to bring Quebec into the constitutional family. The Meech Lake accord was such an attempt, and because of its failure, Canadians are now faced with three choices. All Canadians can work together in an attempt to satisfy the necessary aspirations of Quebecers while still preserving the integrity of the nation, Canada can follow the path of slow deconfederation, a path which many argue is represented by the Meech Lake accord, or Canada can become two nations or perhaps eventually even more than two.

Canadians do not have as one of their options leaving Canada the way it is. As a result of several factors, Canada has evolved into a different nation, and the population of the country today has different needs and aspirations than it did just a decade ago. Canada today is no longer the country of two founding nations, as scholars such as Harold Innis and Donald Creighton referred to it. Canada has evolved today into a compact of roughly equal provinces, and although it was originally regional rather than provincial equality, that was one of the cornerstones of Confederation. We must recognize that that has now changed. While the two nations theory may be important historically, it has been superseded today by provincial equality and multicultural diversity of our society.

In addition, the adoption of the Canadian Charter of Rights and Freedoms has redefined what Canadians see as important. The whole notion of the Constitution has changed for Canadians. While the old BNA Act was concerned with relationships between governments, the Constitution Act is

concerned with relations between citizens and governments or between citizens and citizens. Where Canadians once looked to governments for protection, they now look to the Constitution. As Alan Cairns, a professor at the University of British Columbia, indicated, groups of Charter Canadians have begun to spring up across the country. These Charter groups not only have a great deal to do with the current attitude of Canadians toward their governments but also with an increase in national over provincial feelings in Canada, outside of Quebec. It is these new realities that we must take into consideration when analyzing the current national unity debate and making recommendations for a new Canada.

Individuals on both sides of the current unity debate argue that their vision of the country will do most to preserve the nation. In fact, no matter which vision is accepted by Canadians, Canada will be a radically different nation than it is today. Canada after the current national unity debates will be a nation of radically different power structures or a nation without an important part of its culture and society. So we are left with our options.

I believe that the option outlined in documents such as the Bélanger-Campeau report and the Allaire report is not a viable one for Canada. Any type of agreement which is predicated on the notion of asymmetrical federalism will not be acceptable. Most Canadians have become too equalitarian to allow one province to be more powerful than the others. Similarly, the option of continued decentralization is not viable. Canada is already more decentralized than was ever anticipated in 1867. To use an extreme example, Canadian provinces today have more control over their own fiscal affairs than the individual nation-states of the European community will have after 1992. There is, quite simply, nothing left to gain from further decentralization of the provinces unless we go all the way, in which case we could have 10 seats at the U.N. General Assembly rather than just one. I believe, therefore, that we realistically only have two options to consider: a new federal arrangement which comes as the result of genuine negotiation on all sides or the option of Canada becoming two or more nations.

11:19

Although feelings and sentiments seem to prevail over reason in some of the arguments presented in the national unity debate, I believe that when the minds of Canadians are appealed to, the large majority will want to see Canada come out of our current crisis a strong and unified country. Assuming that there is general agreement among Canadians and their governments that they wish to see the nation stay together and that Quebec is willing to participate in further constitutional negotiations, I believe there are four main areas which we must look to for change.

The first of these areas is the revision of our current bicameral legislative system in order to better reflect provincial concerns. The current triple E proposal is one such mechanism to achieve this. Since I am sure that the committee has heard many compelling arguments in favour of the triple E Senate formula, I will not dwell on it except to say that I believe the principle of equality in the Senate will reinforce a notion that most Canadians already subscribe to, that of equality of provinces.

While restructuring our bicameral legislative system is important, Canadians cannot consider their national problems resolved until reasonable accommodations are made for the first peoples of Canada. Obviously, there must be compromises on both sides. In the area of native land claims, for example, all of the province of British Columbia has been the subject of various

and often competing land claims. The resolution of these land claims as they stand is not possible. However, given the size of our nation and the needs of our native people, all reasonable attempts must be made to resolve land claim disputes in a quick and judicious manner.

Self-government or some form of self-determination must also be given to native peoples, considering their role in the development of Canada. The development of a process of self-determination, however, must be carried out within the context of an equalitarian Canadian society. It is important to note that this must be a three-way process, that the governments of the native peoples, the federal government, and the provinces must be involved, considering that currently in the Constitution of Canada there cannot be any changes made to the Constitution of the country that have impact on the provinces without their approval. Obviously, something like self-government would impact on the powers of the provinces.

I would like to stress that I believe the resolution of native concerns such as land claims and self-government must be carried out not just because Canadians feel guilty about past injustices foisted upon natives but because it is what should be done by a humanitarian, liberal democracy for one of its founding peoples. In addition, Canadians should not be looking just to resolve the symptoms of our current problem. We must look to the roots of some of our current problems when discussing a new Canada.

A recent study of western industrialized nations showed that Canadian citizens have more political representatives per capita than any other liberal democracy. Canadians believe that they are fundamentally overgoverned and that there are too many government agencies from all levels competing with each other to provide specific services. This problem may stem in large part from the fact that the powers that were given to various levels of government in 1867 may be inappropriate for those levels now. Further, in an attempt to unify the country, a complex system of interdependent relationships between federal and provincial levels of government was set up. However, what was then seen as insurance against disillusion is now seen as bureaucratic and wasteful.

An example of this is the Canadian court system. The provincial courts, if provinces choose to establish them, are maintained by the provinces. Section 96 courts, such as the Court of Queen's Bench of Alberta, are maintained by the provinces, but the judges are appointed by the federal government. The federal courts and Supreme Court are maintained by the federal government, with appointments by the federal government. The result is a hodgepodge of overlapping jurisdictions and variances in procedure from province to province. Canadians and their governments must be willing to re-examine their responsibilities as delineated in sections 91 and 92 of the Canadian Constitution and realistically determine which level of government can handle which powers in the most efficient and equitable manner.

Another area that must be considered when discussing the future of our nation is multiculturalism, a concept that relates to the very fabric of our society. As I've said before, I believe the concept of two founding nations as a basis for current sociopolitical institutions is outdated and somewhat ethnocentric. While it may be true that there were only two cultures and linguistic groups at the table in 1867, there are many cultures and groups who are full and active participants in Confederation today. We must be sure that any changes to the Constitution would continue to allow all groups to realize their legitimate aspirations. People have argued that when multicultural groups are

allowed to pursue their traditions and cultures, they are somehow taking away from being Canadian. I would suggest that if I were an immigrant to Canada, I would ardently support the nation and the institutions which allowed me to speak the language I wished or practice the religion I wished or wear the headgear I wished. The concept of multiculturalism today is an integral part of Canadian society and must be maintained.

These are the areas which I believe Canadians must consider if we are to continue to be a strong, unified nation. If, however, there is not support for the kind of selflessness and compromise which will be required to maintain our federation, we must accept the alternative. I would suggest that if Canadians genuinely believe that compromise is not possible, then accommodations must be made for Quebec to leave Confederation in a clean and efficient manner. The time for bluffing and games of hide and seek, as I might have played when I was in grade 6, are gone. It is time for us to act like adults and resolve this problem once and for all.

Thank you.

MR. CHAIRMAN: Thank you very much, Jim. Before the other members get in on this, I just want to . . . One word jumped out at me in your presentation, and that was "overgoverned". We are, however, being urged by a number of people to add other levels of government, constituent assemblies, other forms of seeking out the will of the people: referenda, initiative, recall, all these elements. How do you react to those proposals?

MR. BOND: I suppose first of all I would split the new mechanisms maybe into two categories. Things like referenda and perhaps constituent assemblies I think have appeal to Canadians because they bring the government closer to the people, that they are actually the ones being governed. So I don't think I would put that in the category of overgovernment.

I do agree, if one of the other areas you were looking at was self-government for natives, that we're going to have to look at self-government perhaps within the current structures we have in place, perhaps enhanced. It's been discussed. I don't know if it's been done by native groups and whether they've supported that native self-government take on the form of an enhanced civic government system or that accommodations, as the report came down from the parliamentary committee recently, be made to allow for certain numbers of Members of Parliament to be elected through native constituencies. I think there's a way for us to accommodate that within the present system.

MR. CHAIRMAN: Okay. Well, they're additional forms of being governed - that's what I was getting at - in these proposals. But you think those could be accommodated in the process of reaching decisions?

MR. BOND: I suppose that I see things like constituent assemblies and referenda mechanisms as enhancing the current system rather than taking the place of anything. They seem to be not necessarily one-shot situations but something that would be rather erratic and not necessarily in place all at the same time; for example, the referendum situation in British Columbia right now with any changes to the Constitution.

MR. CHAIRMAN: Pam Barrett.

MS BARRETT: I have two questions actually, one of which is related again to your observation about being overgoverned. We

have had recommended to us, based on the understanding that the Canadian population primarily lives, you know, in a long line across the country like this . . .

MR. BOND: A horizontal Chile.

MS BARRETT: Yeah, the horizontal chain.

. . . that in fact provinces are really redundant and we should pursue discussions of regional governments so that we're working on common geography, common industries, et cetera, and help eliminate this problem of overgovernment. Where would you stand on that issue?

MR. BOND: Actually, I believe a restructuring of regional governments based on similar economic or cultural circumstances would do more to tear the country apart than hold it together. I think one of the benefits of having provinces that stretch as far as they do is that they encompass a lot of different types of people, a lot of different industries, a lot of different cultures and societies. I don't think it's necessary that we go that far in restructuring.

MS BARRETT: That's interesting. What you're really saying is that the tension of the differences is probably good compared to the tension that might go with very large groups, like regions.

MR. BOND: Well, I think that first of all you need to have understanding of what other people are experiencing before you can make any judgments about what is happening currently.

11:29

MS BARRETT: So that homogeneity, in fact, would not facilitate that.

MR. BOND: Exactly.

MS BARRETT: Yeah. I get it.

My second question is totally unrelated. This morning, as you know, the Prime Minister announced the government's new proposals for constitutional reform, including electing our Senate and weighting it; in other words, not exactly the triple E formula but a heck of a lot better than what we have right now. I think I speak on behalf of everybody when I say that. At this table we have been told, "Don't give in; don't give in"; and then some people have said, "Well, come on, you know; you've got to compromise." Now I want to go back to your grade 6 observation. If you were in this committee and you were reflecting your friends' views, your coworkers' views, your neighbours' views, how would you approach this?

MR. BOND: I think I would look at it from the point of view that we have to start with a negotiating position somewhere but that perhaps an equitable rather than completely equal Senate is something that we may be able to compromise on. I would caution everybody, though, that we should really look at the experiences of the Australian system. I mean, if there is another nation in the world that undergoes similar circumstances as far as the landmass of the country and the population go and the differences between their individual states and territories, it's Australia, and they have a completely equal Senate. Whether it's completely effective all the time is another question, but if it can work for them, perhaps we should really not give in to it too quickly.

MS BARRETT: Thank you.

MR. CHAIRMAN: Thank you.
Sheldon.

MR. CHUMIR: Thank you. An excellent presentation. I was interested in your comments with respect to multiculturalism and your suggestion that our policies, perhaps our Constitution, should help groups realize their multicultural aspirations. There are really two streams that I see in terms of multicultural aspirations. One is the stream of maintaining their heritage, and there's the view that this is a role of government to do positively and that there should be financing and positive assistance. The other stream is that no, that is the responsibility of the group itself; the climate should be there to make it possible for them if they wish to do it but that public policy should be to bring people together. The previous policies are divisive. We should have the policies of tolerance, of equal opportunity, and things of that nature. At present, our policies are somewhat confused. They tend to emphasize both streams. Mr. Spicer in his report has indicated that Canadians have expressed great unhappiness with the promotion of stream one and want to focus on stream two. Where are you at in terms of your comments and views?

MR. BOND: I would agree with the second stream as far as the government's responsibility in fostering an atmosphere of development if the cultural groups feel it appropriate to develop their culture or maintain it. Whether governments can actually afford to fund multicultural programs, as far as cultural festivals and that kind of thing, in our current economic situation I don't know if that's realistic, but I do think that government has to act proactively to ensure that the climate is there for groups to maintain their cultural traditions if they so wish. I think that's what makes Canada Canada. I think that's what sets us apart from a lot of other majority English-speaking liberal democracies in the world.

MR. CHUMIR: Are you saying that's the priority or that that should be the exclusive role of government?

MR. BOND: That should be the priority of governments. If we had the extra money to toss around, of course, it would be nice to spend it there, but I don't know if we're in that situation right now.

MR. CHAIRMAN: Thank you very much, Jim, for your presentation and the thought you've given to it. We're engaged in a new process, obviously, as a result of today's initiative by the federal government, and this select committee in Alberta will be engaged in meeting them through their parliamentary committee. I'm sure you'll be observing what takes place with a great deal of interest. Thank you very much.

MR. BOND: Thank you.

MR. CHAIRMAN: We now have representatives from the YWCA Calgary Social Issues Committee: Dale Hensley and Susan Gillies, I believe. Is that correct? Welcome.

MS HENSLEY: Susan and I are pleased to address you this morning on behalf of the Social Issues Committee of the YWCA. I'm sure you're aware, but just for your edification, the Calgary YWCA is a nonprofit organization committed to working actively to improve the status of women and to foster

understanding and action in the world community. We believe and work to support self-determination for and empowerment of women. We will be providing you with a written document later, not at the moment.

The constitutional subcommittee of the Social Issues Committee, of which Susan and I are both members, has spent many hours over the past few months and the summer wrestling with the issue of constitutional reform. Our presentation today represents our thinking as of today. We prepared it, obviously, without considering the federal government's stated position as of today. It's basically our working document. Our statement does not deal with every issue confronting Constitution builders. Unfortunately, we don't have the time or resources to look at every issue. It does reflect our underlying philosophy and some of our evolving concerns to date.

The Calgary YW is proud to acknowledge the importance of Canada's three founding nations: the aboriginal peoples, the French, and the British. We believe this initial mix of peoples played a vital part in establishing our country and character. It provides a foundation from which we are building a truly multicultural society, or we are attempting to do so. Our wish would be for today's Canada to remain united. For that we believe there must be mutual respect and understanding among the aboriginal people, Quebeckers, and the rest of Canada, and a recognition of the right to self-determination for each of these groups.

In accordance with the statement of the International Covenant on Civil and Political Rights, adopted by the United Nations in 1966, we recognize that embracing the concept of self-determination for any group means acknowledging the right of that people to freely determine their political status and to freely pursue their economic, social, and cultural development.

While we support the aboriginal peoples' right to self-determination, we have not addressed the details of that position in this presentation. We feel that the aboriginal peoples themselves are now addressing this issue quite adequately and are best able to do so.

The question of self-determination for Quebec is more difficult. The issue is complicated by the perception that Quebec is just one province like each of the others. If Quebec ever was a province just like one of the others, we think it's important to acknowledge now that it is no longer a province like the others. The concentration of a founding minority group, the French, in a defined geographic area of Quebec has resulted in the development of a society with a different culture, different needs, and different dreams. Today the majority of Quebeckers form a national group that does not identify itself with the population of the dominant or surrounding state, and that national group has not been assimilated into the dominant surrounding population. We in the rest of Canada are surely not prepared to demand that Quebec assimilate under threat of arms. In our opinion, we must therefore accept Quebec's right to self-determination. Nonetheless, we would hope that Quebec's needs can be accommodated in our federal framework, but it is Quebec that will decide whether it will remain a part of Canada.

If Quebec remains, we must negotiate a relationship which allows both Quebec and the rest of Canada to prosper and grow within a system that respects the integrity of the units. If, with the rest of the country acknowledging its need for self-determination, Quebec decides to remain within Confederation, then federal programs and policies need not operate in Quebec as they do in other provinces. Concurrent with the power to determine its own destiny, Quebec would have the power to

assume jurisdiction or to opt out of federal programs in a number of areas, particularly those involving social and cultural matters. If Quebec chooses to disengage itself from federal jurisdiction or control in any particular area, then in our view it cannot benefit from federal transfer payments or funds in that area unless through negotiations it has agreed and does in fact provide programs with equivalent standards equally available in Quebec as in other provinces.

We recognize that self-determination for Quebec will necessitate adjustments to federal and Quebec tax structures. However, we do not believe this difficulty should be permitted to thwart the goal of self-determination for Quebec.

11:39

While we accept Quebec's right to self-determination, as women we believe nonetheless that a strong federal government with the power and will to set national program standards is essential to the integrity of the rest of Canada. This is because traditionally the federal government has developed and supported programs essential to ensuring equality of opportunity and a basic standard of living for all Canadians. Programs like medicare, the Canada pension plan, unemployment insurance, financial support to postsecondary education, social allowance, health care, and legal aid name a few of the areas where federal government involvement has been and continues to be vital, in our opinion. We do not support a general decentralization of power to the provinces, nor do we support the present federal government's moves to reduce funding to the critical areas noted above by capping payments under the Canada assistance plan. This ultimately will lead to a dismantling of the programs we as Canadians rely on and believe in.

The present threat to our social and health programs underlines the need to have social and economic rights guaranteed in the Canadian Charter of Rights and Freedoms. While we are prepared to respect Quebec authority in many areas, we believe it is essential to the integrity of our federal structure that all participants recognize shared or absolute central authority in some areas. Authority would be shared in such areas as environment; natural resources, where the harvesting or controlling of them impacts other provinces, territories, or sovereign peoples; and immigration. Similarly, there needs to be national acceptance of the Canadian Charter of Rights and Freedoms and central control over such matters as Canada's authority to speak internationally and to declare war and defend its territorial security.

These are not exhaustive lists. We are simply attempting to demonstrate that there needs to be negotiation between Quebec and Canada. Again, we just haven't had the resources to try and look at sections 91 and 92, division of powers.

As we stated at the outset, we have not addressed all issues involved in the constitutional reform process. We do recognize that the government of Alberta has been a strong proponent of the need for Senate reform. We agree that the Senate must be reformed. We have not yet agreed on specific details of how or exactly what the reforms should be. Specifically we didn't come to an agreement with respect to what method the election of Senators should be.

We also recognize the need to review the amending formula, and we believe that unanimity except in some limited circumstances is not workable. Constitutional change would be impossible to effect if every province must agree to all of the proposed amendments.

We do appreciate the opportunity to provide our views to this

special committee and look forward to continuing involvement in this process. We think public input into constitutional reform is essential. We believe there must be a democratization of our institutions to permit this. We believe public hearings must be held and the results of those hearings made public before any amendments to the Constitution are adopted by any level of government, and that women and minority groups must be provided with assistance in order that they will be able to participate effectively in the hearing process.

Thank you.

MR. CHAIRMAN: Thank you very much for your presentation. Yes, Pam Barrett.

MS BARRETT: Thank you. Thanks for such a good and comprehensive presentation. You probably won't be happy that I'm going to ask this question, though, because chances are good you didn't flesh it out or you might have stated so. But just in case, I want to know if you discussed – even if you didn't conclude – under what circumstances unanimity would be or could be appropriate in amending the Constitution.

MS HENSLEY: We didn't address it in detail. It certainly was raised, and we recognize that section 41 of the current Constitution sets out some specific areas that require unanimity. I think we agreed that that would continue to be an area where we would recognize unanimity might be required. Beyond that we really didn't . . .

MS BARRETT: That's okay. That is actually an answer, I think. What you're saying is that the unanimity suggested in Meech Lake accord would have been unworkable.

MS HENSLEY: That's right.

MS BARRETT: Yeah, or anything like that.

MS HENSLEY: That's right.

MS BARRETT: That's clear enough to me. Thank you.

MR. CHAIRMAN: Yes, John McInnis.

MR. McINNIS: I have a question about the proposal for a social and economic charter of rights and freedoms. I'm not going to ask you to respond to the federal proposal, but today the federal government suggested that there would be a statement of values in the Constitution which would describe what we are and what we aspire to be as Canadians. They go on to say that that statement would be purely symbolic; that is to say, they put a symbolic statement of values and not legally enforceable. When you talk about a social and economic charter of rights and freedoms, are you talking about something that's enforceable or merely symbolic in terms of the Constitution?

MS HENSLEY: I will answer first, and then Susan may have something to add.

Recognizing that there are always economic constraints that limit possibilities, we would want something more than mere symbolism.

MS GILLIES: Yes.

MR. CHAIRMAN: Well, thank you very much for your presentation. We have been receiving from a considerable number of people concerns about the national debt and the ability to pay for programs that are now universal. Without getting into the social charter concept in any depth, the concern is there that the courts ordering governments to do certain things under a social charter without the ability to pay for some of them. It's a concern we have to address. How would you respond to that issue as to the role of the courts in the charter concept, which we've experienced now in the individual situation? How would you deal with that?

MS HENSLEY: Well, as I say, we recognize that there are economic constraints. At the same time, I think that if the government has a strong and valid argument, they have an opportunity to present that, specifically under section 1. I know the courts would have a stronger rights orientation than a government perhaps, that the courts have said that administrative expediency cannot override individual rights. I don't think they've said entirely that economic concerns can't override rights, but I think that the government of the day would need to present their arguments under section 1.

MR. CHAIRMAN: Well, it's an interesting concept, and it certainly will be explored in much greater depth, but by and large – and this is very simplistic – the current Charter of Rights says what government cannot do to individuals. A charter of social rights, on the other hand, would say what government must do for people. There's quite a difference in that approach, and we're going to be engaged in quite an interesting discussion on that concept. The Premier of Ontario has tried to bring forward a proposal which would not have the courts involved in the second charter, of social rights, so that the courts would not be there saying, "Yes, government must do this for people." So we're going to have to have some very interesting discussion in the next while on that whole concept.

MS HENSLEY: If I could just comment. We drafted our position prior to hearing of a proposal such as Mr. Rae's. We are obviously not hard and fast in our position, except we've hit fairly hard in one particular area in our presentation. Obviously there are ways of doing things, and I think we would look at a suggestion such as Mr. Rae's, although probably our first would be to have it within the Charter. We recognize that there are difficulties with that.

MS GILLIES: We also recognize, however, that very often the matter of money is a matter of changing priorities on where you spend that money rather than adding more money to it.

11:49

MR. CHAIRMAN: Well, that's obviously a matter of public policy, and the question is whether or not that should be determined by elected people or appointed people in the courts. So that's obviously a big issue which has to be dealt with.
Sheldon.

MR. CHUMIR: Thank you for an interesting presentation. Seeing as we're talking about the Charter, I noted that the constitutional proposals this morning have proposed once again a distinct society clause with respect to Quebec. It's proposed to be within the Charter of Rights, and the Charter is to be interpreted in a manner consistent with that distinct society, which includes a French-speaking majority and unique culture,

amongst other items. It looks like we're back into an issue very similar, if not identical, to the rights issue in Quebec vis-à-vis the Charter. Do you have any thoughts or observations for us with respect to that issue, any preliminary instinct?

MS HENSLEY: Within our committee we had some minimal discussions with respect to "distinct society," and one of the things that was expressed as a concern was that there had been no definition of "distinct society" and that we would certainly be concerned about inclusion of the term "distinct society" within the Charter if there was no definition. We now have a definition, and we obviously haven't looked at that definition in detail. I think that we have to acknowledge that probably our proposal goes further than that, in a sense, but at the same time it's different, because again "distinct society" would then be subject to legal interpretation and court interpretation as opposed to a combination between governments. I'm afraid I personally don't have anything more to say on the distinct society except that we had wanted a definition and we'll have to consider it now.

MR. CHAIRMAN: I think we'll all be looking at the definition, Sheldon. I think perhaps we shouldn't get too far involved in trying to define it today without some further discussion. But you're quite right; it's going to be an interesting point.

MR. CHUMIR: It's actually only defined as to include certain items; it's still global. Be that as it may, it's at a very preliminary stage now; I'm just looking for a preliminary reaction.

MR. CHAIRMAN: All right; thank you very much.
Don Cook.

MR. COOK: Good morning.

MR. CHAIRMAN: Morning.

MR. COOK: I've been proud to be an Albertan for some 24 years, but I consider myself first and foremost a Canadian. I was born in Manitoba; I was raised in rural Manitoba and rural northern Ontario; I got my university education in eastern Ontario. With that as a bit of my Canadian background, I would like my comments today to be considered not those of an Albertan but those of a Canadian.

I want to commend the task force for producing this pamphlet, Alberta in a New Canada. Last March it inspired me to give you a seven- or eight-page submission in which I commented on virtually every question that is raised therein, and I reassure you that I have resubmitted it here today, but I will restrict my comments today to three items. I want to discuss Quebec, I want to discuss constitutional amendments, and I'd also like to talk about the national debt. I should say that I have in here some unkind comments about our Prime Minister, and they were based on my observation of his performance during the Meech Lake debacle. I have heard part of his presentation to Parliament this morning, and I hope that he is going to give me some cause to reassess my view of our Prime Minister.

First, Quebec. Clearly, the single most important issue facing us today is the alarming possibility that the people of Quebec may choose to separate from Canada. I believe that would be disastrous for Canada, but I also believe that if we accede to all of Quebec's demands, that also would be disastrous for Canada. I believe we must have a strong central government with the authority to implement and administer national programs. I do

not wish to see Canada devolve into a collage of strong nation-provinces loosely held together by a weak central government.

I believe we should accept some special status for the province of Quebec, particularly with regard to the right to protect cultural survival. Whether we like it or not, Quebec is a distinct society, and I believe we should recognize that in our constitution. Earlier this morning I listened to William Partridge speak to you people; he spoke in opposition to recognizing Quebec as a distinct society. It's clear to me that if we Anglo-Canadians do not accept Quebec as a distinct society, then we can say goodbye to Quebec. I think it's as simple as that.

However, even if we give Quebec special powers, we need hard bargaining to keep those special powers to an absolute minimum. Our problem is that we have no one in sight to do the hard bargaining. Our problem is that power-hungry Premiers tend to welcome increased powers for Quebec because they can claim the same power and influence for their own provinces to the detriment of Canada. In a small example - it's a big example - our Premier, Mr. Getty, was opposed to giving Quebec a veto over constitutional changes, but when Brian Mulroney came up with the suggestion that he would give the veto to all provinces, it suddenly became appropriate for Mr. Getty, and he liked the veto better when he discovered that he might have it or that Alberta might have it as well as Quebec. Our problem is that the Premiers speak for their provinces, but none of the key players speaks for Canada. Brian Mulroney should be strenuously defending the federal position, but instead he assumes the role of committee chairman and mediator. If you can get the Premiers to agree to any set of provisions, he feels that his job is well done. Brian Mulroney is prepared to give federal influence and control away to the provinces simply to get Quebec's signature on a constitutional document. Consequently, we Canadians have no representation at the constitutional table. We Albertans do, but we Canadians have no representation when it comes to Quebec issues.

Quebec's five reasonable demands in the Meech Lake accord all eroded the power and authority of the Canadian government. It's ironic that the distinct society, which I think is the sticking point for most Canadians, didn't particularly erode the power of the federal government, but the other four all did. It's instructive that Meech Lake was accepted by the Prime Minister and 10 Premiers but was overwhelmingly rejected by Canadians in nine out of 10 provinces.

I'll move on to constitutional amendments. Of the many quotes that are offered in Alberta in a New Canada, I like the one by David Bercuson the best. It is, "There ought not to be any radical changes to the Constitution." This is particularly true with respect to the amending formula. Most amendments require the approval of Parliament and only seven provinces with at least 50 percent of the Canadian population. Well, if an amendment won't pass that minimal requirement, it clearly should die. The difficulty lies not in the formula but in the asinine manner that it has been applied. Our leaders have never given the formula a fair chance because they insist on fixing all things at once. Consider the proposal Mr. Mulroney tabled this morning. It contains 28-some provisions, including the following issues: Quebec's distinct society, equalization payments for poorer provinces, native self-government, an elected Senate, and the notwithstanding clause. Now, I ask: why must these disparate issues all be dealt with in one constitutional amendment? Each of these is a complex issue that deserves special treatment, individual treatment, and they should individually be put to the seven and 50 test. Instead, it is clear that the nation

is going to be exposed to another round of bartering and haggling by the Premiers.

11:59

The greatest single hazard in the Meech Lake accord was the provision of a veto to each province. Thank God that change required unanimous consent. Had we passed that, we would have guaranteed that future amendments would be next to impossible. It is interesting to consider that had that clause been left out of the Meech Lake accord, the remaining provisions would all have passed under the seven and 50 requirement and would be law today.

A last point on constitutional amendments. The Meech Lake accord has shown us that the people of each province should be allowed to directly ratify or reject constitutional changes agreed to by the Premiers. Meech Lake was endorsed by our leaders but overwhelmingly rejected by Canadians in all provinces but Quebec. Moreover, our leaders continued to endorse it in the face of widespread opposition from the people.

I want to move on to the national debt. I know that I'm whistling in the wind, but if you'll bear with me - this is a favourite hobbyhorse of mine - I'm going to subject you to two more paragraphs. The national debt is not dealt with in this brochure, Alberta in a New Canada, but it should have been because it is our biggest threat to liberty and the pursuit of happiness in this country. We owe someone a staggering upwards of \$400 billion, to which we'll add \$30 billion to \$35 billion this year. Previous governments mortgaged our future, and our current government is incapable of doing anything about it. My government needs to find \$30 billion each and every year before it can even think of paying down the \$400 billion that underlies our problems. If previous governments had not mortgaged the future, which today happens to be our present, we would today have a more than balanced federal budget. Today, even in these tough times, we could afford all of our social programs. We could subsidize farmers and fishermen. We could even afford to have CBC television in Calgary; we could even afford Via Rail if we wanted it. What we cannot afford is \$30 billion to \$40 billion of interest payments on our national debt.

Let me get to the point; we need a constitutional amendment requiring all three levels of government to balance their annual operating budgets. It should be illegal to charge annual maintenance and operation expenses to future years. Only large, once-only costs should be defrayed to the future. Examples of once-only costs would be the war with Iraq or maybe an icebreaker for the Arctic. But charging annual operating costs to future years should be unconstitutional.

I want to thank you for the opportunity to speak to you today.

MR. CHAIRMAN: Thank you very much, Mr. Cook, and thank you for your kind comments about the Alberta in a New Canada. In your written presentation you indicated that it was unbiased and thorough, and we appreciated that comment.

MR. COOK: I say that sincerely. When I read this, it really seemed to be an evenhanded treatment that looked at both or all sides of issues as it went through, and it was rather all-encompassing, except that they left out the national debt.

MR. CHAIRMAN: It's interesting: on that point, how did we get the national debt? We could engage in quite a lengthy discussion about that, but I don't think we have time today.

There's just one point that I think I have to make with you, and that is that we've heard hundreds of presentations now, including many in the last couple of days, about the term "distinct society." I think it's fair to say that you're one of the few people who have come before us and not only said we should recognize a distinct society in the Constitution but that Quebec in that respect should have a special status. If we were to accept your advice, how would you propose that we sell that to our fellow Albertans as being acceptable?

MR. COOK: Well, that's a challenge, but I think we have to sell it. Perhaps the basis of selling it is that we have to accept that Quebec is a distinct society, and if we can start from that basis, then it's only one more step to formalizing that in the Constitution, accepting that it is. If we're not prepared to do that, then I think that Quebec in the next referendum will vote against Canada. Perhaps it's tricky ground, because it's back to scare tactics, trying to scare Anglo-Canadians into accepting Quebec. But I think that we English-speaking Canadians just don't recognize, we don't accept, that Quebec is ready to separate. We don't recognize that when a French-speaking Quebecois comes to Calgary, he comes to a foreign country. I have a workmate who is a geologist who got all his training in Quebec. He works now in Calgary, but when he came to Calgary, he spoke no English. It was culture shock for him; in his own country he was coming to a foreign country. I listened to Benoît Bouchard last night. When he first went to Parliament, he spoke no English. He speaks incredibly good English today, but when he came to our Parliament, he came to a foreign country. I believe we English-speaking Canadians just do not appreciate the fact that Quebecois see themselves as Quebecois first and Canadians second.

I apologize for such a long-winded answer.

MR. CHAIRMAN: No; that's quite all right. I think you'll agree with me and my colleagues that it's a formidable challenge that you're suggesting we undertake here.

Well, Mr. Cook, one other comment. I think that you made reference to the veto and Meech Lake. I'm certainly not going to go back over Meech Lake ground, except to say that what was proposed was only a limited extension of the veto that now exists in the Constitution on certain matters and not a veto over all aspects of future constitutional change. That is, I think, if I may be frank, a clear misunderstanding demonstrated in your paper and by many, many other people in the country who thought that a veto on every aspect of future constitutional change was contained in that. But it's a warning, I think clear to us, not to have that type of veto concept extended in future proposals. So I take it as that being a concern. Thank you.

MS CALAHASEN: Just one question, Mr. Chairman.

In your presentation you were talking about a strong central government with the authority to implement and administer national programs. What national programs do you have in mind that would be on a federal level or on a strong central government decision-making?

MR. COOK: Well, we have things like unemployment insurance today.

MS CALAHASEN: The present system as it is or additional?

MR. COOK: No. I don't have any specific programs that I would like to see in place, but I do believe – and unemployment

insurance is an example – that our federal government should have the power to put in place programs across the country. I'm strongly opposed to one of the notions that was in Meech Lake, that a province could run its own program but would do it on federal funding. I believe that if we allow that, it just leaves too much room for manipulation and variable programs. I think that social programs, things like medicare and unemployment insurance, should be transportable from province to province. I don't believe that provinces should be able to run their own programs with federal funds. I think the federal government, if they're going to have a program, should administer it.

MR. CHAIRMAN: Okay. Thank you very much for your presentation.

We'll adjourn now until 1 o'clock. We have a full afternoon of presenters, so we don't have too much time for lunch. I'd urge members to be back here at 1 o'clock.

[The committee adjourned at 12:09 p.m.]

