

Introduction

The search for the best constitutional framework for Canada is one aspect of the debate on Canada's future. How important is it in the public's mind when compared to the social and economic aspects? How do Canadians feel about their constitution in 1978? Do they think it reflects today's realities and popular aspirations? Does it, in their view, require minor or radical changes? Does it require modification in its federal, its parliamentary features, or in both? Should there be more centralization of powers in Ottawa or more decentralization in favour of the provinces? Or does the resolution of current political conflicts simply require more conciliatory attitudes among politicians and the public?

A country's constitution establishes the principles, the structures and the processes by which it is governed. Canada's constitution is monarchical, representative, parliamentary and federal. (For a short description, see *Coming to Terms*, the Task Force's "vocabulary.")

In considering options for change from the present Canadian constitutional system, there is first the question of whether Canada should remain a federation or adopt some other form of union. The comments of those who spoke or wrote to the Task Force on the subject of sovereignty-association are outlined in chapter 13. Therefore, Part V concentrates on views expressed as to improvements that might be made to the present Canadian federation.

Whatever form of federation a country adopts, agreement must be reached on the distribution of powers, the composition and functioning of the central government institutions, the mechanisms of coordination between governments, and the method of amending the constitution.

Some Canadians believe that the existing institutions are good enough, flexible enough, to cope with present Canadian federal problems, given intelligence, imagination and goodwill. Many others feel the system would work better if regional interests were more strongly expressed, mainly through provincial governments, in the central institutions of the federation – in the Senate, the Supreme Court, the regulatory agencies – as well as in the federal-provincial conferences. Some Canadians also wonder whether sufficient account is taken of the Anglo-French duality in the organization and functioning of central institutions. Still others feel that a major revision of the distribution of legislative powers is necessary, particularly if Quebec is to remain part of Canada.

There are other issues too. Is the existing Canadian parliamentary system so satisfactory that it requires no modification? Would not a reform of the electoral process help correct some of the anomalies in the present pattern of representation in the House of Commons where, for example, the present party distribution of federal seats inadequately reflects the popular vote in some provinces?

And what about fundamental rights? Should they be entrenched in the constitution, making them impossible to change or to circumscribe by ordinary legislation? Should the process of entrenchment include language rights? Or should they be left to the final authority of Parliament and the provincial legislatures?

The Task Force heard many views on these and other constitutional subjects. They are presented here under the following headings: chapter 17, "The distribution of powers"; chapter 18, "Regional representation in central institutions"; chapter 19, "Protection of fundamental rights"; chapter 20, "Means of constitutional change."



'HOW ABOUT ANOTHER OPINION?'

Background

In Canada, as in all federations, two fundamental aspects of the federal system are the distribution or division of powers, and the mechanisms of coordination between the central and the provincial orders of government.

To achieve the proper balance of legislative powers between the two orders of government is the first fundamental challenge of a federal constitution. In fact, the precise distribution varies from one federation to another, depending on the objectives being fostered.

The distribution of powers

The distribution of powers in Canada, determined in 1867, was based on the principle that the central government should have competence in the areas of government activities of common interest to all Canadians, and that provincial governments should have competence in the areas of particular interest to the provincial and regional communities.

The distribution is effected mostly by sections 91 to 95 of the BNA Act. Most of the "enumerated" powers are *exclusive*: they belong to one order of government only. A few are *concurrent*, that is, assigned to both orders of government.

By section 91 of the act, the central Parliament was assigned thirty powers (including the residual power), giving it jurisdiction over matters such as trade and commerce, the public debt and property, direct and indirect taxation, defence, banking, currency, criminal law, navigation, penitentiaries, postal services, marriage and divorce, naturalization and aliens, sea coast and inland fisheries and Indians and lands reserved for the Indians.

By section 92, the provincial legislatures were assigned sixteen powers, including property and civil rights, direct taxation for provincial purposes, administration of justice, prisons, municipalities, maintenance of hospitals, management and sale of public lands, local works, and the power to amend their provincial constitutions except for the office of lieutenant-governor.

In a separate section, 93, education was specifically assigned to the provinces.

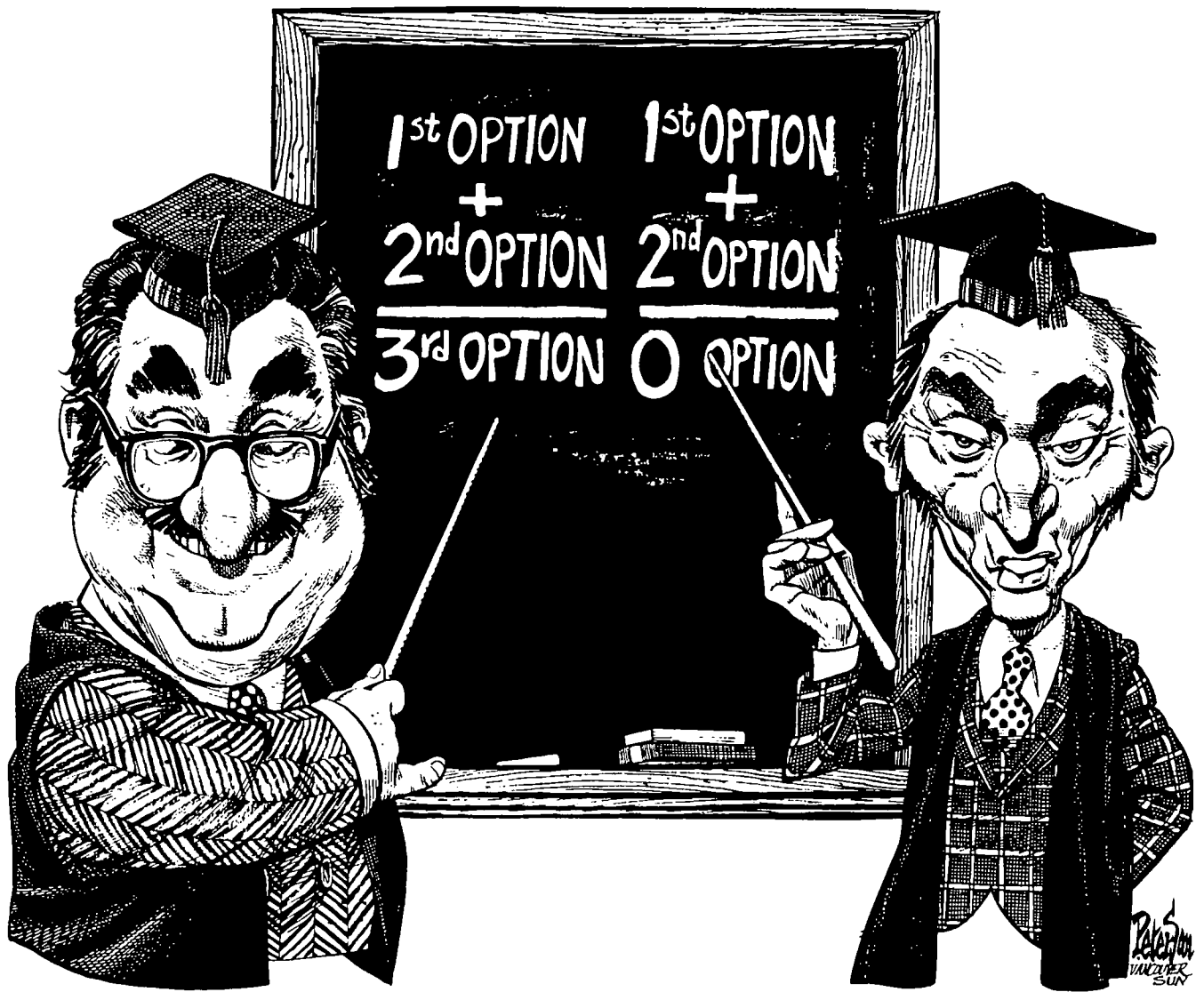
Section 95 of the BNA Act designates the concurrent matters of agriculture and immigration. In the event of conflicting federal and provincial legislation in these fields, the federal legislation prevails; this is described as *federal paramountcy*. In 1951 and 1964, old age security and supplementary benefits were added to that short list of concurrent powers (to become section 94A of the BNA Act) but in this case it was expressly stated that the provincial legislation would prevail in cases of conflict. This is described as *provincial paramountcy*.

By constitutional amendments, Parliament has been given additional exclusive powers, such as the establishment of new provinces out of the territories (1871), the representation of the territories in Parliament (1886), unemployment insurance (1940), the power to amend the constitution of Canada, with some exceptions (1949) and, by the Statute of Westminster (1931), the power to give its legislation extra-territorial effect.

The mechanisms of intergovernmental coordination

Although it has often been argued that in a federal system each order of government should be able to act independently within its own sphere of constitutionally assigned authority without any interference from the other order of government, in practice, the functions assigned to the two orders of government cannot be totally isolated from each other, especially in these times of growing government activity. Inevitably, and notwithstanding concerted efforts to prevent it, when two orders of government exercise authority over the same population and the same territory their activities will overlap and, on occasion, conflict.

The consequent need for effective intergovernmental relations has two dimensions: the relations between central and provincial governments and the relations among provincial governments themselves. In practice, a whole series of mechanisms has been established to facilitate



Semantic Conversion.

intergovernmental consultation and collaboration. Prominent among these are the federal-provincial and the interprovincial conferences. There have been many calls recently for improvement in the mechanisms for federal-provincial coordination.

For a fairly complete analysis of the federal system in Canada, the reader should turn to the Task Force "vocabulary," *Coming to Terms*.

Questions

Is the present distribution of powers between our two orders of government in Canada adequate or does it need clarification, adjustment or transfer of powers? Is the Canadian union too centralized, or too decentralized, or both, but in different areas? Could a different set of powers – special status – be allocated to one or more of the regional political entities?

“The decentralized nature of Canadian federalism is a myth and propagation of that myth serves the ends of demagoguery more than it corresponds to reality. Administration of the program of expenditures is often decentralized, but its planning and implementation are highly centralized.”

(in Quebec City)

“I know that this country cannot last very long the way it is now going. We must build a country, but one in which the provinces will be autonomous. . . . All the provinces want the same thing, they want to be able to decide and govern for the welfare of their people. The regional differences of this country are too great for it to be well governed solely by the central power; and besides, that would prove too onerous for its tax payers.”

(in Montreal)

“Quebec’s constitutional restlessness reflects a need of all provinces for a restoration of constitutional powers which have been extensively eroded by judicial and government action over the past several decades.”

(in Winnipeg)

“One of the greatest irritants in Canadian life is the “Ottawa knows best” syndrome that the rest of the country encounters almost daily. Ottawa does not always know best, and the fact that federal bureaucrats control such a disproportionate share of our national resources often restricts and distorts local and regional priorities and stifles initiative.”

(The Corporation of the City of London, in Toronto)

“Federal politicians have usurped provincial jurisdiction with their anti-worker wage controls. They have refused to recognize provincial rights over cable TV. They have tried to blackmail provinces out of their rights through such means as the insulation program and the decentralization program which required provinces to meet federal educational demands. Such actions have led to increased hostility to the federal government in all provinces, not just Quebec.”

(Saskatchewan Federation of Labour, in Regina)

“The reasons for the trend towards centralism in the last two decades are varied. There was an underlying philosophy in Ottawa, starting in the sixties and reaching its zenith in the early seventies, that for every problem that occurred in Canada there had to be a federal government solution. . . . The rallying cry of federal politicians in the years since Expo ’67 was that the Canadian government could achieve anything if it were given the tools. It could single-handedly create a just society with a plethora of progressive social legislation. It could unify Canada through institutional bilingualism. It could make Canada economically prosperous through an easy money policy and a little inflation. It could bring equity to fiscal measures through the tax reform and it could protect consumers through continuing intervention in the market place.”

(in Toronto)

“Federal institutions have too often disregarded the constitution and invaded provincial jurisdictions through the spending power. The present uneasiness comes largely from Ottawa’s abuse of taxing powers and from its excessive expenditures in fields of provincial jurisdiction.”

(in Montreal)

Opinions

At the Task Force hearings and in correspondence, many Canadians expressed dissatisfaction with the present Canadian federal system. The opinions of those opposed to the system itself and who would like to replace it by a confederal association of sovereign states, have been summarized in Part III, on Quebec. In the present chapter, the focus is on the comments of those participants who accepted the federal system but criticized its functioning and contended that the main cause of the problems is to be found in the distribution of powers between the two orders of government.

The need to "re-examine" the distribution of powers was generally accepted. Comments on this topic are dealt with in four broad categories of subject: the exclusive powers of either Ottawa or the provinces; the "essential powers" of the central government; the concurrent powers, that is, those which, by virtue of the BNA Act, come under both orders of government; and a number of "grey areas," embracing activities that are not clearly allocated to either order of government. Underlying all opinions was a continuing debate on the advantages and disadvantages of centralization and decentralization.

The spirit of Canadian federalism

A majority of participants at the Task Force hearings maintained that the distribution of powers and the use made of them have benefited the central government at the expense of the provinces and the municipalities. "What we have now," said a citizen in Edmonton, "is not classical federalism but "federal imperialism," a system which has transformed the provinces — "mostly the west and the east" — into "colonies of Ottawa." Another speaker called that system a "parent-child relationship." This, it was argued, is "the real problem of Confederation."

Some argued that the Fathers of Confederation wanted that kind of federalism, that the BNA Act was a "centralist act" that deliberately provided Ottawa "a large degree" of overriding control over the exercise of provincial powers. The central government's powers to appoint lieutenant-governors and to reserve or disallow provincial laws were often mentioned as two examples, among others, of the unitary bias in the original Canadian federal constitution.

To others, what the Fathers had in mind was a "loose" type of federation. They felt that "the spirit of Confederation" had been "gradually eroded," however, over the years. One Vancouverite said that the courts had provided the central government with a number of legal interpretation theories by which it has been able, "through unilateral action, to extend its control over matters otherwise provincial." These theories included the "wide interpretation" of the "peace, order and good government" clause of the BNA Act.

For many speakers it was primarily through its unlimited taxing and spending powers that the central government has significantly expanded the scope of its activities. A group from British Columbia said: "Parliament uses its spending power to buy provincial government cooperation in securing its objectives: the Trans-Canada highway, medicare and hospitalization, welfare assistance, etc." A citizen from Binbrook (Ont.), wrote that "it is difficult to find words for public use that properly describe Ottawa's abuse of its financial power and unique access to a rapidly growing income tax base, of its recourse to the monetary blackmail of tied grants." Similarly, a citizen argued in Montreal that "the present malaise originates largely from an abuse by Ottawa of its fiscal powers and from its excessive spending in areas of provincial jurisdiction." Others argued that the central government was also abusing its power in the area of natural resources. "Its control over the pricing of oil," argued a citizen in Vancouver, "is an example of its intrusion into the legislative jurisdiction of the provinces."

Many participants viewed the "centralist mentality" of federal politicians and bureaucrats as another factor working in the same direction. Said one: "Their actions for several years have been calculated to centralize power in their hands." Wrote another: "The federal government suffers from the belief that the provinces are incompetent and that the 'feds' can do a better job." The very imprecision of the constitution, its ambiguities and silences, were of great help to Ottawa: "We have an active interventionist federal government, moving in the grey areas of the constitution,"

“What’s the real problem (having said earlier that it’s not a problem between the French and the English)? I suggest that the real problem is how to govern the territory now known as Canada, to obtain the greatest common good; we obviously have not got that at the moment, so let’s look at what is wrong. First of all, I suggest the major problem is over-centralization of government. Canada is too big to be governed from one place in the middle of it, if it is, in fact, the middle of it.”

(in Vancouver) Charlottetown)

“What I mean to say is simply that I would like Canadians generally to be told what a constitution is and what are the limitations imposed on governments. As a youth, I am beginning to be confused by those who say that justice is a federal responsibility, while its administration is a provincial one – yet others claim administration to be federal. How can we understand anything? It is the same in municipal affairs, where we have a minister of municipal affairs in Quebec claiming such jurisdictions to be provincial, and yet there is a minister of urban affairs in Ottawa. How can we understand it?”

(in Quebec City)

“The federal authority should not become involved in provincial matters either directly or indirectly. Education, social security, health, housing, intra-provincial communications such as cable television, broadcasting, etc. are provincial matters.”

(Liaison Group, in Montreal)

“The federal government’s eagerness to interfere in local jurisdictions by virtue of its spending power is difficult to understand. One has the impression that the government is looking for unnecessary conflicts with respect to issues that are of no concern to it.”

(in Quebec City)

“Despite the fact that the constitutional impediments to effective government at the federal level were removed long ago, the courts continue to display a federal bias in their constitutional rulings which has already placed severe hobbles on the ability of the provinces to govern local matters effectively and in a distinctive manner.”

(in Winnipeg)

“It is essential that the federal government retain authority in such matters as external affairs, defence, banking, currency and monetary policy, and international and inter-provincial trade and commerce, and other areas where nation-wide policy and regulation is clearly required. Most other areas should be negotiable.”

(The Board of Trade of Metropolitan Toronto, in Toronto)

“The rights and responsibilities which are national in scope are the following: (a) defence and national security; (b) foreign policy; (c) overseas trade; (d) the free movement of individuals and goods from one province to another (except for special conditions required of immigrants); (e) basic human rights in Canada; (f) the sharing of natural resources throughout the country.”

(in Toronto)

“The national government must have sufficient power to deal with national economic problems and to ensure that giant corporations are not playing one province off against another in order to gain concessions.”

(Alberta Federation of Labour, in Edmonton)

observed a citizen in Regina. A score of others suggested that the intervention of the central government in shared areas, can be partly explained, as some put it, by "its aim — to make itself a strong and modern government," "imposing the same criteria and standards on divergent situations, places and peoples," "distorting provincial priorities," "usurping provincial jurisdiction, trying to buy provinces out of their rights through such means as the home insulation program" and other shared-cost programs. Other examples mentioned of Ottawa's "outright violation" of the constitution were numerous: wage controls, the regulation of western oil, gas and potash production, amateur sport, higher education, etc.

These federal "intrusions," some argued, have tended to undermine the Canadian federal system by "increasing hostility towards Ottawa in all provinces, not just in Quebec." "The phrase, 'maîtres chez nous,' is relevant far beyond Quebec borders," wrote someone from North Bay. Such intrusions, said Premier Alan Blakeney of Saskatchewan, are "bound to cause confusion, division and even doubts about the very legitimacy of our federal institutions." Canada has "reached the point where Ottawa tells the provinces what soup they should eat," deplored a Quebec City resident. "Confederation is being weakened beyond repair," echoed a maritime business group.

For other speakers, the most serious consequences of federal "intrusions" have been the duplication or overlap of costly government services which have been a source both of frustration for the public and fruitless political rivalries. To Senator Maurice Lamontagne, however, these overlaps are also partly due to the growing assertiveness of provincial politicians and bureaucrats: "What happens too often," he said, "is that the federal government has stayed in the areas where it had innovated and that the provinces have joined it there by the process of imitation." Whatever level is to blame, the end result, many speakers concluded, is the same: an "administrative jungle," a system "too complex for any ordinary citizen to understand" and "eleven governments all squabbling over our tax dollar and the right to govern us."

Pan-Canadian goals

Not so numerous, although equally eloquent, were the many speakers who approved of the legislative and administrative powers now wielded by the federal government. Many underscored the need to have a "strong, effective central government" to provide a "focal point." Ottawa, it was argued, must be free to act with authority where the "national interest" demands steps to meet "legitimate national goals."

Indeed, the Commissioners heard much passionate defence of the role of the central government. Canada, it was repeatedly said, needs "a strong unifying force"; without it, the country would "rapidly deteriorate"; could become little more than "a geographical expression, a splash on the map with a six-letter label," to quote Senator Eugene Forsey. The Committee for an Independent Canada spoke for many in declaring that Canada is "already one of the most decentralized states in the world." "Any further disposal of authority to individual parts of the nation," another group argued, "would simply further divide the nation" and "eventually mean disintegration and collapse."

Many speakers told the Commissioners that Canada must speak with "one central voice," particularly in economic matters. A group from Newfoundland warned that the federal government must "in no way be compromised in respect of its ability to undertake basic economic planning." A group from British Columbia said that Canadians can't "really support any appreciably greater devolution of legislative authority without risking the balkanization of the economy." Therefore, concluded a group from Alberta, we need a national government, with "sufficient power to deal with national economic problems."

Others saw a need to have a strong central government to provide "equality of opportunity and freedom of movement" for all Canadians. For example, the Atlantic Provinces Economic Council argued strongly that to "pull the East out of dependency" will require a "strong federal government providing leadership [in] altering the present economic structure [and] changing the economic rules which have been in force since the 1920s." Still others, fearing that increased provincial autonomy would leave Canadians "with even weaker defences against the multinational corporations," stressed that only a strong central government could ensure "that giant corporations are not playing off one province against the other to gain concessions."

“We believe that Canada must have a strong central government which, through tax sharing and other arrangements, can provide equality of opportunity for all Canadians.”

(Canadian Pensioners Concerned, Ontario Division, in Toronto)

“The Greater Charlottetown Area Chamber of Commerce is strongly in favour of a strong and unified federal government, and we do agree that one of the essential powers of a central government is comprehensive taxing policies.”

(Greater Charlottetown Area Chamber of Commerce, in
Charlottetown)

“Yes, by all means, solve the economic problems of the west and east, but for all Canadians to have equality and freedom of movement, keep a strong central government.”

(in Moncton)

“I strongly urge you to resist the pressures to dismantle Confederation by reducing the capacity of the federal government to marshal the full resources of this country in the interests of greater equality and the improvement of the well-being of this and future generations. I urge you instead to seek out ways of improving the sensitivity of the federal government to regional problems and its capacity to deal with them within overall national programs.”

(in Winnipeg)

“Canada without Quebec would be tragically impoverished materially, intellectually, spiritually. It would be an amputee. But Canada with Quebec, but with a central Parliament whose jurisdiction had been gutted, a central government whose organs had been paralyzed (for example, by making the Senate elected, or giving the provinces the power of appointment) would be a paraplegic. If I have to choose, which God forbid, I should choose the amputee.”

(Senator Eugene Forsey, in Ottawa)

“I do not see how one can really support any appreciably greater devolution of legislative authority, without risking balkanization of the economy.”

(in Vancouver)

“I sense a strong alienation towards the governing institutions. Frustration and resignation are widespread. I think our levels of government are squabbling over our tax dollar and the rights to govern us. Quite frankly, I see no advantage to unity by distribution of powers to provincial and municipal governments. I think there is a much better chance of unity in this country with a strong central government.”

(in Yellowknife)

“Constitutional discussion must entail a re-examination of federalism with a view to making the federal system more responsive to and representative of regional interests. The federation believes that, whatever the results of these discussions may be, the Parliament that will continue to be Canada's must be a parliament that is in no way compromised in respect of its ability to undertake basic economic planning in our country.”

(Newfoundland and Labrador Federation of Labour, in St. John's)

Proposals

Across the country, various participants championed some of the principles that should govern any distribution of legislative powers. Most often mentioned were: a clear delineation of responsibilities; efficient delivery of services; flexibility and adaptability to changing circumstances; recognition of the country-wide responsibilities of the federal government; and "balance," that is, neither order should be too strong nor too weak. Many speakers indicated which specific legislative powers they felt should be allocated to each order of government. For the sake of clarity, their diverse and often irreconcilable views are regrouped here under a number of broad propositions: (1) Canada needs an effective central government; (2) provincial governments should be more autonomous and have greater powers; (3) the closer governments are to the people the better, and, in that context, municipal governments should be treated as partners of the two senior governments; (4) all orders of government should work in harmony.

Needed: an effective central government

A citizen from St. Anne, Man., wrote that "whatever we do with the distribution of powers, whatever road we take to respond to regional alienation, we should not render the federal government an impotent figurehead." "Keep a strong central government"; "resist the ploy reducing the capacity of the federal government to marshal the full resources of this country in the interest of greater equality"; "there is a much better chance of unity in this country with a strong central government," said others in Moncton, Winnipeg and Yellowknife.

Nobody who discussed the distribution of legislative powers denied that in a federal system there are things that can be done better at the centre. But there consensus stopped. The Task Force heard many definitions of "the essential powers" of the central government, of "those powers which cannot be taken as a whole, or even in part, from the federal authority" without "doing serious harm to its economic strength." Most speakers who emphasized economics thought that Canada should maintain and even strengthen its economic union.

Most often listed as "essential" federal powers were fiscal and monetary policy; international and interprovincial trade and commerce; equalization; foreign affairs; defence and "the raising of sufficient revenue to support such services." And "other areas where nation-wide policy and regulation is clearly required," added the Board of Trade of Metropolitan Toronto. These powers, argued the Canadian Polish Congress in Toronto, "are the nucleus of . . . unity and the Canadian nation as a whole." To deal with matters which are "common to all Canadians," added a citizen in Calgary, "certainly a solid federal government will be needed."

Some insisted that "Ottawa" should also assume authority over areas not now, in their opinion, clearly assigned to it. "Immigration and communications simply have to have ultimate federal authority," said an association in Vancouver, "because of the inherent nature of their subject matter." The same was said about culture and communications, areas in which total provincial control would lead to "balkanization and inequality of opportunity and of service provision" — and even to "ideological constraint." Education was also seen by some, mostly among the representatives of the minorities, as an essential power of the central government. "Education is a national problem," contended a citizen in Moncton, and therefore "should be a federal responsibility." A more Canadian curriculum could be developed and Canadians made more aware of their history and identity (see chapter 9). Finally, as already reported in chapter 16, some felt the same rule should apply to natural resources; only the central government could ensure that resources would benefit all Canadians.

Those who felt this way were generally opposed to any reduction in Ottawa's spending or taxing powers. One of the "essential powers" of the central government, maintained the Greater Charlottetown Chamber of Commerce, "is its comprehensive taxing policies;" it must use it "effectively to redistribute financial resources to compensate for divisive regional disparities." The central government, claimed a citizen in Regina, "should not opt out of conditional grants in health and welfare." Finally, a group in Moncton argued that Ottawa must make "a firm commitment" to equalize economic opportunities and to ensure a minimal standard of public services throughout the country. Equalization should be "protected within the constitution so as to

“Quite frankly, I see no advantage to unity by a distribution of powers to provincial and municipal governments. I think there is a much better chance of unity in this country with a strong central government.”

(in Yellowknife)

“As in our modern times education is a national problem, education should pass into the hands of the federal government.”

(in Moncton)

“The federal government should seriously, and soon, re-examine the path it has taken lately into fields that were intended to be provincial property. The provincial governments, for their part, should take another look at areas in which advanced technology has made outmoded the insistence on local or regional jurisdictions.”

(in Montreal)

“...more power should be ascribed constitutionally to the provinces, plainly because they are much closer to the people than are the federal authorities in Ottawa. Because Canada is so big, it necessarily embraces many disparate, often misunderstood elements. More power residing in Ottawa in an attempt to address and redress the resulting grievances is not the answer.”

(Federation of Canadian Municipalities, in Ottawa)

“...western Canadians are receptive to the prospect of constitutional change, and are likely to push for a substantial devolution of power to the provinces. The political and demographic situation in the prairies makes devolution the only realistic option for westerners to pursue; it is also an option that is clearly congruent with the expansionist tendencies of public bureaucracies in the prairie provinces.”

(in Calgary)

“There are certain federal powers, for example, the power to make laws for marriage and divorce, which were based on historical considerations which no longer prevail. These would be logical candidates for transference of legislative authority to the provinces.”

(in Vancouver)

“We believe that it is sufficient to limit the scope of federal powers and that the courts should not favour a broad interpretation of federal powers when the interests of the provinces, and their legislative authority, are affected. Since the power distribution is already balanced heavily in favour of the federal government, this will merely help redress some of this imbalance.”

(in Vancouver)

“...there are areas where some decentralization is not only possible but also plausible, and will improve the position, and meet the aspirations of the provinces and their people. Those areas [are] communications, social welfare, housing, and so on. Local governments will be able to perform those tasks much better than one central, federal body, which usually is too far away and out of touch with local people to perform them according to the true needs and to the true advantage of villages, towns and people living there.”

(Canadian Polish Congress, Inc., in Toronto)

guarantee that no citizen would be deprived of fair opportunity," advised an expert in Toronto. The Task Force was urged by a Winnipegger, "to seek out," in place of decentralization, "ways to improve the sensitivity of the federal government to regional problems" (see chapter 20).

Needed: stronger provincial governments

"Canada," said someone in St. John's, "is too big a country to be governed from one place in the middle." The Independent Alberta Association summarized the views of quite a number of participants when it said that "the time has come for the central authority to recognize that the citizens of each province desire more freedom and autonomy . . . so that their own unique aspirations may be realized."

For a Montrealer, to increase the power of the central government would contradict the principle that the "lines of communication between citizens and government must be as short as possible," that is, between those who levy the taxes and those who pay them.

Some speakers said that the idea that government in general should respond to regional aspirations for more self-expression and greater accountability should be treated as a "non-negotiable" principle and "protected against any further federal infringement." What about those fields which have already effectively been removed from provincial control by federal "intrusion" or "sacrificed" to the central authority? Premier Hatfield of New Brunswick believed that it would be healthy for the country if they were restored to those provinces "which desire to resume them." Many other speakers agreed; the Task Force heard such expressions as: "give their pants back to the provinces"; "hands off"; "restore to the provinces the constitutional powers which have been extensively eroded by judicial and federal government action." A Toronto professor advised "a gradual move to classical federalism, involving decentralization."

One of the ways to ensure decentralization would be to limit the "overriding powers" of the central government. Most often mentioned in this category were the unlimited spending power ("which should be curtailed to prevent intrusion"), the peace, order and good government provision ("which should be limited so that the federal government cannot unilaterally suspend the powers of the provincial governments"), the declaratory power (which should not be used without the consent of the province or provinces concerned), the power to appoint lieutenant-governors ("a dead letter issue now, but which used to be taken very seriously") and the federal power to reserve and disallow provincial laws (which should be taken away "once and for all"). Two political scientists in Vancouver concluded: "The existence of [these powers] is an expression of the assumption that the provinces are subordinate . . . and inhibits the development of a true federalism."

Many went further, and recommended that most of the powers in the "grey areas" be allocated to provincial governments. They constituted, many said, an impressive list of jurisdictional fields now open to negotiation: culture, energy, manpower, environment, consumer protection, language, correctional services, securities and urban affairs. Professors in Montreal and Quebec had still longer lists. Some speakers recognized that many "grey areas" such as communications would continue "by necessity" to be exercised concurrently by both levels of government. Often, however, speakers advocated provincial "paramountcy." The alternative — a clear transfer to Ottawa — would simply not be "realistic," said a political scientist in Vancouver; it would be "anathema to Quebec and unacceptable to most English-speaking provinces."

Some favoured an expansion of the scope of provincial activities in areas now clearly under exclusive central responsibility and which they felt should now be exercised in cooperation with the provinces: international affairs, interprovincial trade, indirect taxation, the management of the economy, the declaratory power and the residual power. Those in favour of such an extension of the "shared areas" or the "concurrent powers," did not generally indicate how this should be done, or which order of government should have "paramountcy." International affairs was one exception; those who endorsed a provincial input in treaty-making and international conferences generally qualified their proposals by such expressions as "limited jurisdiction," "framed" by the central government, "in areas of provincial jurisdiction."

“The continental shelf sea bed and sea resources should belong to the adjoining province. The right to travel on the sea should remain a federal matter, as should the sea bed and sea resource rights outside the continental shelf limits (where applicable) out to 200 miles.”

(in Calgary)

“Immigration should be under provincial jurisdiction. Provincial control over immigration would help Quebec ease its immigrants into its peculiarly unique French-Canadian society.”

(in Regina)

“Constitutional reform in Canada should be directed toward a cutting-down and thinning out of federal and provincial governmental apparatus. For example, the creation of new bureaucracies which are unnecessary, such as the provincial departments of higher education, should not be justified by jurisdictional disputes, and the setting up of “coordinating” agencies should be accompanied by the slimming down of existing ones. It seems foolish, for example, to employ hundreds in the Council of Maritimes Premiers, while the civil services of the three provinces continue to expand. Our eleven governments, including the legislatures, could be cut in half and they would give better service and get along better with one another. 24 million people cannot be adequately productive if administration takes too much talent and too many resources.”

(in Calgary)

“Every province and every community has its unique background and aspirations. None should be given, within our federal structure, any particular advantage in treatment or status over another excepting the development of a federal framework within which we can all work toward the fulfillment of those aspirations.”

(Saskatchewan Urban Municipalities Association, in Regina)

“It is commonplace to recognize that some special arrangements will always exist within Canada. It is perhaps imperative to recognize that Quebec is a distinct collectivity for whom particular accommodations must be made. If other provinces wish to share them, well and good. Who would have it otherwise?”

(Stephen Lewis, former leader of Ontario New Democratic Party, in Toronto)

“In a political sense, we believe it desirable that for Canada as a federal country, institutions should be altered to assure adequate regional input into whatever decisions are taken by the national legislative body. A number of alternative means of accomplishing this have been put before you in this and other meetings. We would emphasize that if political institutions need to be better tuned to the requirements of a Confederation, so do economic institutions. From an economic point of view, the existence of a nation depends upon the power to raise revenue and to regulate the money supply. Other economic authority may be delegated constitutionally to a provincial government but the possession of fiscal and monetary power is necessary to nationhood.”

(in Edmonton)

“We want a constitutional formula which will enable all levels of government — local, regional, provincial, federal — to have a direct access to adequate sources of revenue to meet the requirements of their administrative responsibilities.”

(The mayor of Granby, in Montreal)

Finally, various participants approved giving the provinces exclusive or paramount authority in such fields as regional economic development, immigration, marriage and divorce, and fisheries.

Among those participants stating the case for a transfer of legislative powers to the provinces, some, like the *Fédération des syndicats du secteur aluminum*, argued in Montreal for "differentiated decentralization," different degrees for different provinces. In chapter 12, similar opinions were reported when debating the pros and cons of giving Quebec a "special" or a "distinct status" within the Canadian federation. The arguments that the distribution of powers need not be the same for all provinces was not, however, only centred on the need to respond to the "specificity" of Quebec. Indeed, many speakers reminded the Commissioners that "we are distinct regions," that "we must create a Confederation which would allow for particular provincial differences and needs," "that some special arrangements will always exist within Canada" and that "all provinces cannot be treated the same way." A professor in Calgary summarized the debate by saying "special status for each and every province is something that has existed de facto for a long time. Changes to our constitution should facilitate diversity and experimentation with alternate public policies within regions and provinces."

The Task Force was often told that any increase in the legislative authority of the provinces would have to be accompanied by a redistribution of the sources of fiscal revenues. A group in Montreal spoke for many in arguing that a revised constitution "must anticipate a fiscal balance corresponding to the responsibilities assumed by each order of government." A citizen in Vancouver added: "Changes in the taxation power would be most appropriate for some provinces, while unconditional federal money could be made available to other regions."

On the matter of conditional grants and other financial assistance to the provinces, the Task Force heard a variety of views. Some regretted the lack of control over federal grants. In Halifax, Moncton and Ottawa, for example, the Commissioners were told that provincial autonomy in the administration of federal grants to universities may "balkanize" higher education. Francophone groups said the lack of central government control was partially responsible for the fact that funds provided for minority-language instruction had not always been put to their intended use.

Yet many groups and individuals maintained that there should be no "strings attached" to federal transfer payments, that when Ottawa attaches conditions, it effectively "upsets" provincial priorities and "blackmails" the provinces. To a Toronto correspondent, these grants carry a very clear message: "You [the provinces] can do whatever you want, but unless you do what we [Ottawa] want, you can't have this money, much of which was collected from taxpayers in your province." Many participants said the poorer provinces are often "compelled to shape their own programs to attract some federal money."

A group in Vancouver summed up a popular view when it said: "Everyone seems to agree that conditional grants are undesirable, but who can resist the temptation?" To give more legislative powers to provincial governments, it was argued, would not alter the situation. And what we need particularly, said a few participants, is to "redraw provincial boundaries to reinforce the weaker provinces." To the Nova Scotia Teachers Union, "better-balanced provinces [are needed] so that the weak provinces would not run to Ottawa and invite the federal government to expand its constitutional authority." Many opposed this idea, saying that provincial boundaries had overriding social and historical roots.

Needed: efficiency, closeness to the people and good local government

Many speakers argued that any redistribution of power should be based, as much as possible, on the principle of "efficiency." "Another source of malaise," maintained a Quebecer, "is the high degree of inefficiency and high costs of the central government structure." No country, argued a group from Charlottetown, can have "a long-term hope of survival where government is appropriating, through taxes, about 43 per cent of the gross national product." Any new constitutional arrangements must take into account the "benefits and costs to Canadians."

Some believed that the costs of government could best be cut if all government decisions were made at the local and regional level "unless it can be clearly demonstrated that the interests of the

“Because of this total lack of proportion between autonomous tax revenues and jurisdictional spending responsibilities, economic management of public funds is dangerously inefficient at the federal level, which holds all the budgetary strings. . . . The tax imbalance should cause those who say that Canadian federalism is decentralized to have second thoughts.”

(in Quebec City)

“The taxing and the spending power of Parliament should be thoroughly revised. . . . The levers of fiscal power now manipulated by the federal government should be made more responsive to regional, provincial and municipal needs.”

(in Edmonton)

“Canada is, after all, a collection of regions. It is imperative, therefore, that the federal government recognize that we are distinct regions and then strive to make Canada work by allowing those regions to maintain and capitalize on their own identities within the embrace of Confederation.”

(St. John's Board of Trade, in St. John's)

“We need a true federation, one in which the interests of all the provinces and regions are represented and respected. We need to maximize the control that each of these regions has over its own destiny so that in the end it will be able to make its unique contribution to the nation. To continue along the same centralizing path — increasing the scope, powers and control of the federal government — will lead, not to political unity, but instead to political disunity.”

(in Vancouver)

“To stay together, Canada must be prepared to drift apart. More autonomy must be granted to the provinces and in turn to the regions and municipalities. Like a good marriage, Confederation must allow for spaces in the togetherness of the partners.”

(from Toronto)

“Federal-provincial disputes are quite disruptive to our stability. I suppose here, I call for greater respect for each level's responsibility and less blurring of their activities, unless they are clearly and truly cooperative ventures.”

(in Winnipeg)

“... the fields of responsibility of both levels of government should be re-examined and re-defined in order to reduce the possibility of overlapping jurisdictions.”

(in Montreal)

“You've got too much government. I worked as a civil servant, I know the conflicts that come when the provincial department and the federal department [who] are trying to do the same job, disagree. I look at the rising tax bills worth 42 per cent of the gross national product. There's much too much of it and I think that's part of decentralization too.”

(in Vancouver)

“The federal bureaucracy must be wound down and many of its functions transferred to locally controlled administrations. The federal government should be a facilitator, not a regulator — small departments should be set up to help the provinces achieve things they cannot achieve individually.”

(from Toronto)

citizenry could best be served through . . . another level of government." Only local government, argued one group, is in a position to perform many tasks "according to the true needs and to the true advantage of villages, towns and people living there."

The Greater Moncton Chamber of Commerce agreed: "We believe that decentralization should be from both senior levels of government to communities and individuals." This can be accomplished, the Committee for Community Government argued in Montreal, "by the infusion into local levels of government [of] the powers and financial resources needed to fulfil their mandate as the first level of government." If this were done, contended the Newfoundland and Labrador Federation of Municipalities, municipalities would become "partners in government rather than subservient creatures of the provinces." Similarly, the Federation of Canadian Municipalities argued that local government should no longer "be a child of the provincial government, often wondering about the whims of its parent."

Needed: intergovernmental cooperation

One Torontonian proposed that "instead of referring to different 'levels' of government, which implies that the central government has some sort of superiority over the others, we should refer to different 'orders' of government." Many held that the distribution of powers, as well as the behaviour of governments in a federal system, should reflect equality of status between the "centre" and the "constituent units," that each of the two senior orders of governments are sovereign within their own jurisdictions. Premier Hatfield, in Moncton, deplored that this principle has not always been respected, saying that "over the years, there has been a tendency on the part of the government of Canada and the bureaucracy of Canada to regard the provinces as not equal partners in Confederation, as not strong effective forces for improving the quality of life in this country." One Montrealer said it in his own colourful words: "The provinces are not all stupid; they too have prime ministers." In Moncton, someone put the idea this way: "It seems to me that if we could have faith in the provinces, we could come to a point where Acadians and French Quebecers, among others, could feel at ease in their regions."

The theme of "equal status" and "harmonious relationships" between Ottawa and the provinces was stressed time and time again. One participant in Winnipeg spoke of "the difficulties" Canadians have in understanding the word federalism: "Is the federal government a senior government or do we have eleven equal governments?" He called for greater mutual respect between them. A labour leader in Toronto regretted the paternalistic attitude of Ottawa towards the provinces, and particularly towards Quebec: "It is a policy offering inferior status and inviting separatism." Other speakers deplored that all levels of "governments and politicians have allowed the process of government to become one of competition and confrontation."

Many participants felt that new mechanisms or institutions are required to generate the proper "attitudes" and "climate" between the various orders of governments and politicians. One Calgarian proposed the creation of "intergovernmental embassies" in Ottawa and in each provincial capital to facilitate dialogue between the two orders of government. The British Columbia Human Rights Council saw great merits in the central cabinet "meeting jointly with individual provincial cabinets from time to time on matters of mutual interest." Still another speaker in Calgary had in mind "intergovernmental agencies freed from political dominance and operating as public trusts" in areas such as university grants and television licensing where "it does not matter to the public whether it gets the service from the federal or provincial government."



18. Regional representation in central institutions

Background

Just as federal states differ in the distribution of legislative powers, so they also differ in the composition, functions and powers of their central government institutions.

The Supreme Court

In most federal states there is a court of last instance which interprets the constitution. It is called the Supreme Court in Canada and the United States, the Constitutional Tribunal in the Federal Republic of Germany. This court may declare invalid or inoperative any statute enacted by the central or provincial legislatures if it contradicts the constitution.

Because of its importance, particularly in a federal state, the existence of this institution is usually guaranteed in the constitution itself. Such is the case in the United States and the Federal Republic of Germany. Such is not the case in Canada. A general court of appeal was foreseen in the British North America Act and the Supreme Court of Canada was created, in 1875, but only by an ordinary statute of Parliament, acting alone. And the Court really became "supreme" only in 1949 when the right of appeal, in civil law matters, to the Judicial Committee of the (United Kingdom) Privy Council was abolished.

The power to appoint the judges of the Supreme Court is also very important, because it is the Court which renders final decisions and advisory opinions affecting subjects as controversial as the distribution of legislative powers and the protection of fundamental rights, where these rights are expressed in the constitution. In most federal states, such appointments are made by the central government, but usually the regions have a voice in the selection. In the United States, appointments are made by the president, but must be ratified by the Senate, a second chamber made up of representatives elected in the fifty states. In Canada, the federal cabinet is at present under no constitutional obligation to consult the provinces or to seek parliamentary ratification of appointments.

In the Victoria Charter of 1971, the federal government proposed that the existence of the Supreme Court be written into the constitution and that the provinces participate in the appointment of judges. But the charter was not agreed upon and, consequently, no changes were made. The Constitutional Amendment Bill of 1978 embodies these same proposals, stipulating further that a "House of the Federation" would be asked to ratify the appointments.

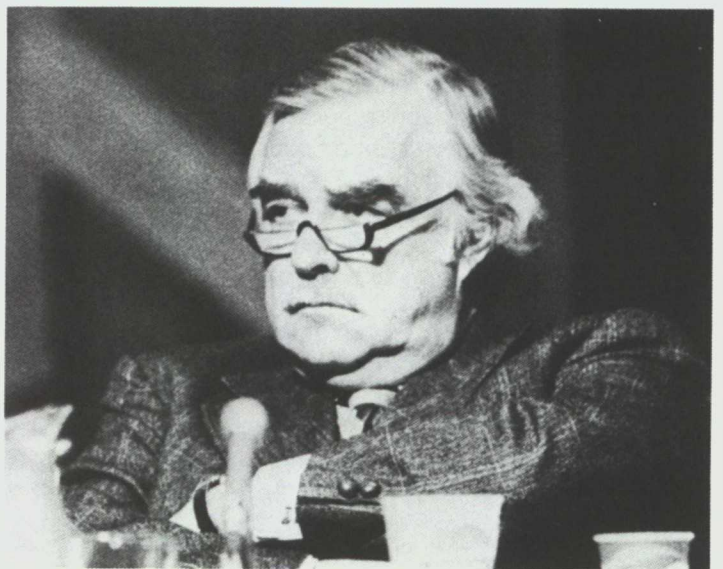
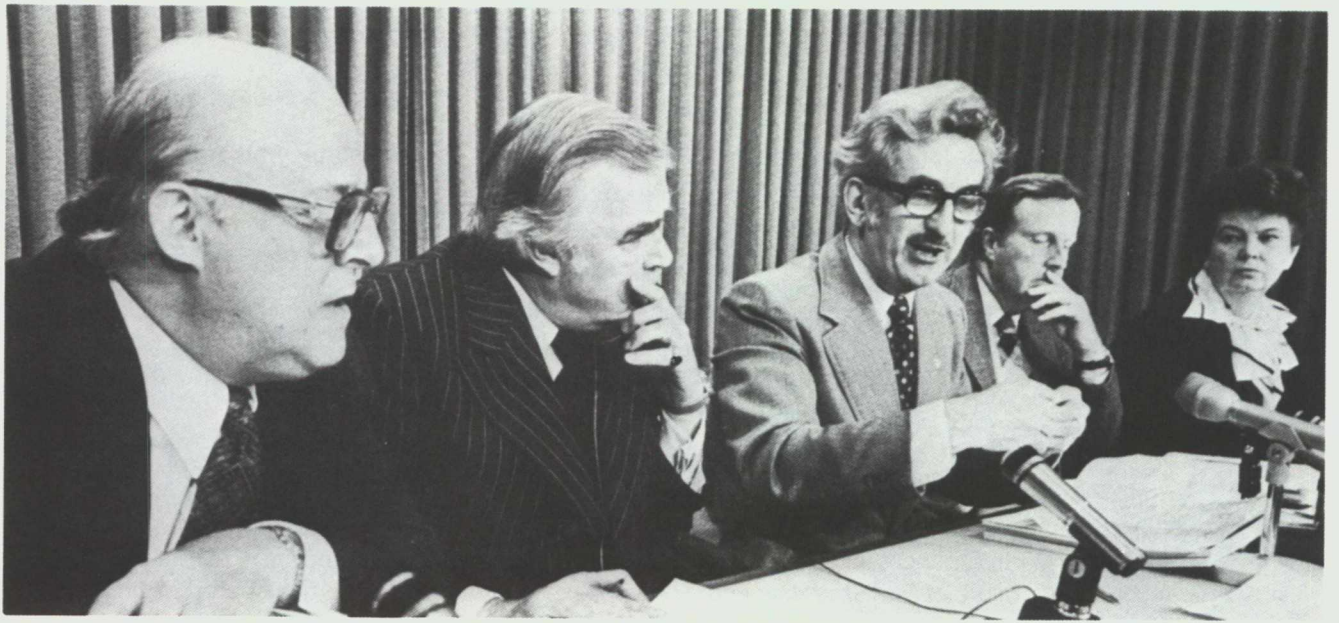
The present Supreme Court Act provides that three of the nine judges should be members of the Quebec bar or judiciary. The reason is that Quebec has its own civil law, not the common law of the other provinces. The Constitutional Amendment Bill suggests that the number be raised to four Quebec judges out of a total of eleven and that Quebec civil-law matters be heard only by judges trained in that system.

The Senate

The second chambers of other federal states have a "regional content." Their members are either elected by the population of the member states, as in the United States and Australia, or named by the regional governments, as in the Federal Republic of Germany. In Switzerland, the manner of selecting them is left to each canton.

The Canadian Senate more closely resembles the House of Lords, the upper chamber of the United Kingdom's unitary state, than a federal second chamber. Admittedly, the seats are distributed on a regional basis – twenty-four each for the maritimes, Quebec, Ontario and the west, six for Newfoundland, two for the territories. But appointments to the Senate are made, in fact, by the prime minister and he is under no obligation to consult the provincial governments.

The Constitutional Amendment Bill (1978) would replace the Senate by a House of the Federation. Members would be designated on a 50-50 basis by the House of Commons and the provincial legislative assemblies in accordance with party representation in their ranks. The federal



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Progressive Conservative party and some provincial bodies have proposed a House of the Provinces, similar to the Federal Republic of Germany's second chamber, the Bundesrat.

The regulatory agencies

Federal regulatory agencies, such as the National Energy Board, the Canadian Transport Commission, the Canadian Radio-Television and Telecommunications Commission, have roles that affect provincial interests considerably. The federal cabinet alone appoints their members. Many provinces have requested that they be consulted in these appointments.

Questions

Should Canada continue with its present Supreme Court or move to a specialized constitutional tribunal? Either way, how should it be composed? What should be the ratio of civil-law judges to common-law judges? How should its members be appointed? What should be the scope of its jurisdiction?

What, if anything, should be done with the Senate? What should be the composition, functions, powers of the upper house, if there should be one? (It is to be noted that the Task Force hearings took place before the introduction of the Constitutional Amendment Bill, 1978.)

Should the provinces influence the composition of federal regulatory agencies?

“[We call for] the establishment of new national institutions, or the reform of existing ones, such as the Senate and federal agencies, boards and commissions, to allow for the fuller expression of regional interests, for the resolution of intergovernmental conflicts, and to serve as political guardians of the integrity of the federal system.”

(Premier Davis of Ontario, in Toronto)

“A greater decentralization of the federal government towards the provinces is not the answer to these new aspirations. It is urgent to develop new formulas to allow the two senior levels of government to achieve a greater regionalization of their administrative services, their policies and their decision-making process.”

(Senator Maurice Lamontagne, in Ottawa)

“There is indifference and disenchantment in this part of the country. It rises out of powerlessness. The only way to overcome the ennui is to give us a share of power in the national government.”

(in St. John's)

“The institutions of central government have failed to represent provincial and regional interests sufficiently to dispel the continuing sense of alienation of the Atlantic and western provinces. The country has reached a point of political and constitutional paralysis which now demands an exceptional effort of reform.”

(The Committee for a New Constitution, in Toronto)

“Western Canadian grievances towards the existing federal system do not require further documentation today. If these grievances remain unsatisfied after decades of agitation, it is not through the want of vigorous protest by prairie politicians. The problem lies not with the articulateness of the west, but rather with an insensitive and unresponsive central government.”

(in Calgary)

“The federal presence, especially the federal bureaucracy, has become too cumbersome and entrenched to respond adequately to local and regional needs.”

(Multicultural Council of Windsor and Essex County, in Toronto)

“What we want is a stronger say in the decision-making process.”

(in Moncton)

“We, as Canadians, are not getting the kind of leadership that we expect and that we need in a very difficult period in our history. Our politicians, the people we elected, have lost sight of what their role is. I would like to see our Parliament and our government dispense with some of the so-called traditions of English Parliament. I would like to see an end to this garbage of desk thumping, to this business of interrupting speakers, to the business of getting maybe two hours work done in an eight hour work day. We are prepared to work the whole day. Why should not they?”

(in Vancouver)

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Opinions

In previous chapters the Task Force has reported a great deal of what many Canadians said about regional alienation, frustrations, feelings of "powerlessness" in influencing central political institutions. Echoed were statements about the "insensitive," "pen-pushing," "cumbersome," "entrenched" central government bureaucracy, about politicians "no longer in touch with the people," about the central Canada bias of too many federal economic policies and about the need to redistribute power between the two orders of government so as to achieve greater responsiveness and accountability.

Yet, there were many participants who believed that the failure of federal institutions to provide an adequate, sensitive forum for regional interests could best be tackled in Ottawa itself. The Commissioners were repeatedly told that the provinces must have greater influence, "at the centre," an idea sometimes described as "provincialization of central institutions."

Participants at the hearings and correspondents directed their opinions and proposals at the parliamentary and federal system in general, and more specifically at the structures of the Supreme Court, the Senate and the House of Commons, at the electoral system, the political parties and the regulatory agencies.

The parliamentary and federal system of government

A few speakers thought that the Canadian parliamentary system has never been altogether suitable for a federal country. While most others disagreed, saying that, on the contrary, Parliament "represents the unity of this country," a number of them felt that an excessive centralist bias had arisen because of a combination of factors such as the composition of the Senate and the electoral process.

For a citizen in Calgary and many others, the main problem was one of "overgovernment," of the system at the centre being too often duplicated within the provinces. For some, the main problem was the great distance between the citizens and the parliamentary institutions in Ottawa: "Our representatives go to Ottawa and they're a long way from home, and the load of the work in Ottawa is such that they lose contact very quickly." Whatever the cause, to a Winnipegger, our system of government is just not sufficiently "responsive or accountable" to "local needs"; to a Vancouverite, it is "incapable of providing a forum for the expression of provincial interests."

The Supreme Court

Supreme Court reform was a subject fairly often raised at Task Force hearings, particularly in Quebec where its "cardinal" role in the interpretation of the constitutional division of powers is keenly felt. The effects of the Court's decisions on the evolution of the civil law and the method of appointing judges were of particular concern. It was stressed that justice must not only be done, but seen to be done. A Vancouver lawyer expressed the opinion that the Supreme Court "does not reflect the differences between the civil and common law systems." As a consequence, he thought, "Quebecers do not view the Supreme Court's decisions as being legitimate."

The Task Force found that Supreme Court reform was now attracting attention everywhere else, particularly in the west. Recent decisions of that tribunal in matters concerning the taxation of natural resources were arousing great interest and even some anger in the provincial capitals of that region at the time of the hearings.

A professor in Vancouver regretted that the pattern of the Supreme Court decisions "does not resemble that of the Judicial Committee of the (British) Privy Council so much as that of the United States Supreme Court," and that both the Canadian and the American courts have favoured the centre over the regions. A citizen in Montreal felt that this pattern may well be justified in legal interpretation, but that the centralist image of the court "must be changed."

Because Ottawa selects judges of the Supreme Court and because the Court "decides upon the boundaries" of federal and provincial jurisdictions, "one of the affected parties chooses the

“Parliament was invented ages ago, for totally different circumstances and not in respect of a federal country. It is therefore not surprising that it doesn't work too well here.”

(in Moncton)

“Our Crown, parliaments, courts, civil service and publicly-owned institutions are well designed; they have given the citizens excellent service, and they have attracted their share of able and dedicated personnel. In assessing their public sector, citizens do themselves a disservice if they neglect its many assets.”

(in Calgary)

“It is unfortunate that the Canadian Senate has played no federal role. This fact has obscured for most Canadians the potential of a truly federal upper house in insuring better communication between provinces and the centre.”

(in Vancouver)

“Our representatives go to Ottawa and they're a long way from home, and the load of the work in Ottawa is such that they lose contact very quickly with their home riding. A way that this could be overcome is to take that old workhorse, the Senate; and instead of making it a pasture make it a work field by having senators appointed by provincial governments subject to appointment and recall. That is one way that communication on the government level could be improved.”

(in Winnipeg)

“The Senate was established to give adequate representation to the provinces and the regions. . . . Although it may have done so at one time, senators have long since ceased to represent anything but the party that appointed them.”

(Eastern Townships Citizens Association, in Montreal.)

“The Senate is not reflective of cultural or linguistic groups as such, and thus does not reflect the particular concerns of French Canadians.”

(in Vancouver)

“We could return the nation's decision-making centre to the Commons, away from the overinflated PMO, PCO and federal bureaucracy. We could stop the dangerous and absurd closed-doors first ministers' conferences.”

(in Edmonton)

“Our party system, as presently constituted, has the virtues of its defects. Party discipline has two important consequences which many would see as eminently worthy. First, Parliament seems more likely than Congress [in the U.S.] to enact policies whose benefits are widely dispersed across regions. It does so because party discipline makes each member's ambitions and electoral fate partly contingent on the fate of the party as a whole; his electorate, for certain purposes, transcends his constituency. Interests which are not geographically concentrated could get short shrift from a Parliament whose members were only constituency-oriented. Second, where party discipline is weak, coalitions are typically built slowly: fiscal policy, in particular, might be even more cumbersome than it is now.”

(in Vancouver)

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arbitrator quite without reference to the other." This was seen by most speakers who commented on this subject as "a manifestly unjust situation."

The Senate

The Senate had very few fans among those the Task Force heard. Almost without exception, they said it had failed to play the role of the institution created in 1867 to represent regional and minority interests in Ottawa. It was called a "sham," a "pasture," a "patronage-bound" institution whose original responsibilities have been "diminished" to a point where it is left with no mandate, enjoys no "credibility" and represents nobody "but the party that has appointed" its members.

Senate reform was particularly popular in the west and in the maritimes. To many speakers, the distribution of seats had become outmoded, particularly with the growth of the west. Few indicated awareness of the Senate's contributions in specialized legislation and public inquiries.

For most who addressed themselves to this subject, the method of appointment of senators was the major cause of its inability to speak effectively for the regions: this was at the "heart of its impotence," said two professors in Vancouver. One speaker said the Senate had "all the inherent weakness of a body appointed for life on a largely partisan-patronage basis." Many asked how senators could be expected to speak for the regions or the provinces when they were appointed by the central government. With no independent political base, senators do not dare amend or veto too many of the policy initiatives of the House of Commons and of the cabinet. Instead, most of them are content to limit their involvement to the drafting of technical changes in legislation, some speakers said.

Neither does the Senate reflect the cultural and linguistic diversity of the country. Some participants objected to party affiliation. At least one deplored the constitution's provision that no one under thirty years of age can be a senator. "What an anomaly, what a lack of realism, what flagrant injustice to a group of Canadians which easily forms a third of the population," said a young citizen of Hull.

The House of Commons

The effectiveness of members of Parliament, said the Committee for an Independent Canada, is undermined by the "over-inflated" Prime Minister's Office, Privy Council Office and federal bureaucracy. The representative character of the House of Commons is essentially meaningless because the cabinet is really "the major regionally representative institution."

One grievance often mentioned, especially in the west, was the manner in which, as a former member of Parliament in Winnipeg put it, the Commons is "so loaded in favour of Quebec and Ontario that the rest of us might as well go home." To someone else, even if every person in western Canada voted Liberal, and all western MPs were government members, their voice in Parliament "[would not be] strong enough to get a fair deal for the west if Quebec and Ontario members disagreed with them." Some minority groups also felt that they were under-represented, that their "needs and priorities were ignored." One association of native peoples suggested that "Indian people would require at least ten seats in the House of Commons" to have a proper representation.

The Newfoundland and Labrador Federation of Municipalities doubted that members of Parliament were provided with the "specific reference" and "expert advice" that "regional and provincial differences require." And they "spend too much time in Ottawa," said another group.

The electoral system

A number of citizens complained about not having "any effect or influence in Ottawa." "Since the House of Commons is elected on the basis of population only," said a speaker in Calgary, "it will always reflect the most populous parts of the country." This meant that "key policies . . . will always reflect the primary interests of Ontario and Quebec."

“In the British parliamentary system, all MPs must vote as a bloc, whatever their personal beliefs or the specific interests of the constituency. This is a dominating factor in the House of Commons and, therefore, to a considerable extent, the MPs do not have determining and constructive roles to play in the House. Theoretically speaking, discussions about reconciling differences of opinion, representations concerning regional interests and other matters are taking place in caucus meetings, *in camera*. Besides, the role of MPs on the government side, as well as that of those in opposition, consists in selling the party line, as agreed in caucus, rather than being the public and visible spokesmen of their constituents.”

(in Montreal)

“At the very least, this country needs a system of proportional representation. However, even proportional representation might not be sufficient. Ontario and Quebec between them would probably continue to hold the majority of seats with which to control the rest of Canada. I would suggest that there should be also concurrently some form of representation in the federal Parliament by regional groups or provinces to prevent unfair domination by the two most populated provinces.”

(in Vancouver)

“The federal Parliament is so loaded in favour of Quebec and Ontario that the rest of us might as well go home. I think, having been an MP, it is almost a travesty to take the money that they offer you to go down there, because you might just as well stay at home.”

(in Winnipeg)

“All central Canadians appear to be Liberals, and all Liberals central Canadians. All members from outlying regions appear to be Conservatives and all Conservatives appear to be from outlying regions. Not unnaturally, voters and the parties themselves come to see parties in these black and white regional terms. Voters outside Quebec and Ontario see themselves utterly excluded from representation in the party permanently in power. Many westerners may be alienated from national politics for this reason alone.”

(in Vancouver)

“Canadians living in northern Ontario, Manitoba, Saskatchewan, Alberta and British Columbia do not have any effect or influence in Ottawa. . . . What is the solution? The solution to me seems to be to change the constitution immediately to limit the number of seats the two largest provinces can send to Ottawa and I suggest that each be limited to not more than 20 per cent of the total seats. I know that I don't feel that I'm a part of Canada under the present representation system. My vote doesn't count and it never will.”

(in Calgary)

“Even if every single person in western Canada voted Liberal and all western MPs were government members, the voice in government is not strong enough to give a fair deal for the west.”

(in Vancouver)

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In Vancouver, the "winner take all" electoral system was criticized because it "exaggerates and distorts regional differences" and "forces parties to make invidious distinctions between constituencies," paying more attention to some, where they have a chance to win, than to others. Their distortions created the appearance of "homogeneous regional blocks in Parliament" which "alienate from national politics" those voters whose party is not in power. The present case of Quebec, which hurts the Progressive Conservatives, and the case of Alberta, which hurts the Liberals, were mentioned.

The party system

Party politics also came in for criticism. Party discipline and "deeply entrenched cabinet solidarity" were seen as reducing "the ability of the federal government to reflect within itself Canada's regional diversity." Party discipline made it difficult for MPs "to create cross-party regional alliances." "Federal politics are obsessed by partisanship" said a citizen in Quebec.

The party "whip," by obliging "all MPs to vote as blocs, whatever their personal convictions" effectively ensures that "in large measure the members of the House of Commons do not have a determinant and really constructive role to play," said a Montrealer. Within the governing party, the obligation to follow party lines meant that backbenchers "have practically no influence on policies arrived at in cabinet." The end result, said a speaker in Winnipeg, is that one votes for "excellent individuals," only to find they must surrender so much power that their party leader is in a position "very comparable to the divine right of kings."

A citizen in Toronto, placing these criticisms in a broader perspective, went so far as to say that Canada "has basically the same kind of [party] system" as those which have led to authoritarian rule in many third world countries. Because the government was essentially led by a political party rather than by Parliament, democracy depended upon the orientation of the party in power: "If the party in power behaves democratically, we have democracy. If the party in power does not behave democratically, we do not have democracy."

While these were the opinions of the majority who appeared at the Task Force sessions, contrary views were also expressed. One speaker in Vancouver felt that party discipline meant that "petty parochialism and individual ambition can be overridden to achieve policies whose benefits are widely dispersed across regions": it ensured that agreement could be reached in complicated fields such as fiscal policy. A citizen in Winnipeg, developing this point further, said "political strength" or "economic strength" cannot be exerted unless the party system is tightened even more. Indeed, the Task Force was told, there are "so many political parties" in Canada that "we can never have a majority opinion in Parliament."

The regulatory agencies

A number of participants underlined how provincial policies were "very significantly affected by the decisions of federal regulatory agencies." Yet they have no say in the appointment of members of such federal bodies as the Canadian Wheat Board, the National Energy Board and the Canadian Transport Commission. Their exclusion has led to "indifference and disenchantment," especially in the west and the east.

“There are several highly significant federal boards and commissions that set federal policy on a wide range of national matters. These include the Bank of Canada, the Canadian Transport Commission, the CRTC, the Canadian Development Corporation. The decisions which these federal bodies make have a profound effect on the development of the country as a whole and upon provincial priorities, and yet the provinces have no voice in the appointment of the directors to these bodies and are rarely consulted to assist in formulating policy. These are merely institutions of the federal government. We need genuine federal institutions, institutions which are multigovernmental in character.”

(Premier Bennett of British Columbia, in Vancouver)

“The need is for an in-depth restructuring of the Supreme Court, in order to recognize the cultural duality of Canada.”

(in Montreal)

“Francophones are as disinclined to deliver their destinies, the autonomy of their own government, over to that federal institution [the Supreme Court] as they are to Parliament.”

(Labour Relations Board of British Columbia, in Vancouver)

“The provinces should participate in a meaningful manner in the appointment of judges to the Supreme Court of Canada, and the panel of judges sitting on appeals from Quebec should be competent in French.”

(in Montreal)

“As a method of calming suspicions, it could be provided that in constitutional matters the Court should have equal representation between the judges appointed from Quebec and from the other regions of Canada.”

(in Montreal)

“We need a specialized Supreme Court for dealing with conflicts between the two official languages. And my suggestion is that the only possible fair basis for this specialized Supreme Court is a 50-50 basis, half francophone and half anglophone. And I suggest furthermore that the half francophone should be divided roughly one-half Quebec and one-half drawn from the francophone federations of the rest of Canada. Now, that could guarantee, I think, French Canada against a recurrence of a shameful episode — and I think it was a shameful episode — of the air controllers’ strike and the way it was handled.”

(in Vancouver)

“We favour provincial participation in the appointment of judges of the Supreme Court of Canada.”

(Premier Davis of Ontario, in Toronto)

“The provinces should have more influence over the appointment of Supreme Court judges. But I believe the court itself should be enlarged to at least eleven members, so that there could be three . . . judges from western Canada, as well as three from Quebec and three from Ontario and two from the Atlantic provinces. The government’s present plan to entrench in the constitution ‘at least three judges from Quebec’ in a court of nine judges, and then to give Quebec a veto over all future changes in the constitution, is not acceptable.”

(in Vancouver)

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Proposals

The parliamentary and federal system of government

For some Canadians, their system of government would be improved by enhancing, in the words of a Winnipegger, the "system of checks and balances . . . that will give Canada a chance to become a mature federal power." A Montrealer called for "a fundamental reform" which would give to Parliament "a much more important role, at the expense of cabinet and the public service." What he sought was to reflect regional and cultural interests in the decision-making process "at the very heart of our central institutions."

Most speakers agreed with them that better regional representation in federal institutions was imperative to make "Canadians feel that the central government was their government." Many saw it as a way to prevent excessive decentralization and improve "the sensitivity of the federal government to regional problems and its capacity to deal with them within overall national programs," as a citizen in Winnipeg put it.

A few speakers, in and outside Quebec, mentioned the need to implement some English-French "binationalism" in the federal institutions. A 50-50 formula was mentioned.

Most Quebecers, however, said that regional representation, no matter how good, would be no substitute for a readjustment in the distribution of powers.

The Supreme Court

A few speakers proposed a specialized constitutional tribunal, but most who spoke on the subject believed that the Supreme Court should continue to rule in constitutional matters as a general court of appeal. All of them favoured the entrenchment of the existence of the Supreme Court in the constitution, and most endorsed the inclusion both of its composition and its jurisdiction.

A few experts, in Montreal and Vancouver, in order to "improve the legitimacy" of the Court in Quebec, recommended the equality of representation of the two legal systems, or of francophones and anglophones.

To reflect regionalism, many participants, including Premiers Davis and Bennett, insisted that a minimum condition should be provincial participation in the appointment of judges. Views varied on the best method of consultation, particularly on the usefulness of soliciting the advice of the law societies. A few wanted the provinces to be able to appoint judges directly, and thereby acquire "some control over the composition of the Court in matters directly affecting their interests." But most speakers were opposed to that idea, though some called for guarantees that would ensure that a proportion of judges would be appointed from their regions. A professor in Montreal reflected that "if the Senate were reformed so as to play a [real] role in representing the regions and the ethnic and linguistic groups," the appointment of the judges should include a process of ratification "by a two-third majority in the Senate."

To accommodate provincial participation in appointments of judges, a number of citizens suggested that the Court should be increased in size from nine to ten, eleven, or more. Proposed numbers varied, in part, according to the regional distribution of judges which different speakers thought appropriate for their own region.

The Senate

Most speakers saw the ideal second house as reflective of regional "concerns" and "interests," to which some added "cultural diversity."

There was almost universal agreement that the present method of selecting senators should be changed. The consensus stopped there. One speaker wished that the Senate would just "pass away." Some recommended that senators be elected. An elected Senate was seen as having various advantages: the senators would be "accountable to their electorates" and they would

“The composition and jurisdiction of the Supreme Court should be written into the constitution with special provisions concerning cases referred by the province of Quebec, because of its special civil-law system. Furthermore, the appointment of judges should be subject to consultation with the regions, which should even have the power of veto.”

(in Montreal)

“The composition of the Supreme Court could be altered in cases which are to be decided by the civil law of Quebec. Having greater representation from Quebec in civil-law cases would enhance the legitimacy of the Supreme Court's decisions in Quebec. The Court, for the purposes of federal-provincial issues, should be structured so that provinces and regions would be able to appoint judges directly from their regions. This would allow the provinces some control over the composition of the Court in matters directly affecting their interests and would also lead to greater respect for the decisions of the Supreme Court.”

(in Vancouver)

“We should focus on the reform of existing institutions, rather than the creation of new institutions with no historical basis and only hypothetical future utility.”

(in Vancouver)

“If Parliament consists of the Crown, plus a House of Commons elected by ‘rep by pop’ to which the government is responsible, and a Senate with equal membership from each Canadian region, then we will at last have a system of checks and balances in place that will give Canada a chance to become a mature federal power.”

(in Winnipeg)

“The only alternative to an elected Senate is more power to the provinces. The west and Atlantic Canada have interests which sometimes clash with those of Ottawa and Ontario and Quebec, whose government Ottawa mostly is. Greater provincial power won't do much for national unity, but unless I'm given another choice, I'm ready to support it. I think an elected Senate is a far safer and more unifying alternative.”

(in Calgary)

“Abolish the Senate and replace it with a new upper chamber composed of members elected from the various regions of Canada for limited terms.”

(in Moncton)

“It may be an elected Senate, a Senate from the regions, a House of the Provinces, perhaps a Canadian version of the West German Bundesrat — whatever body you in your wisdom feel could deal constructively with the enormous economic and social issues of the day (the preservation of a language and culture in one region, the relief of unemployment in another region, the uncertain ownership of natural resources in a third region). But it must be set up without undue delay.”

(Canada West Foundation, in Edmonton)

“There should be some reshaping of Canadian political institutions and especially the Senate, which should reflect more fully the regional diversity of the country. . . . This could possibly be achieved by equal representation from each province and by senators being nominated by the elected governments.”

(in Vancouver)

18. Regional representation in central institutions

really "represent the regions in which they were elected." This way, the Senate could "champion regional issues" and voice regional views on national matters. Elaborating on this theme, a speaker in Calgary reasoned that federal-provincial conflicts would be diverted "to another level" and the Senate would be "more powerful than the provincial governments in protecting regional interests."

Alternatively, some felt a Senate membership appointed by "both the House and the provincial" legislative assemblies or by the federal and provincial executives would be another way to secure regional representation; in the second case, each senator would be accountable to, and could be removed from office by the government which appointed him or her. The model of the Bundesrat, the German senate, to which nominations are made by the Länder (provincial) governments and in which the leaders of those governments themselves may sit, was of great interest, particularly to politicians in Ontario and British Columbia.

Many speakers said that the powers of the second house should be increased, that it should have the right, for example, to revise the constitution, to approve all cost-shared programs and ratify all appointments to the Supreme Court and to federal regulatory bodies.

Finally, in any redistribution of Senate seats, a majority of participants favoured equal regional representation; a small number, equal provincial representation. A five-region base was also suggested, particularly by British Columbia, but one proposal was that seventeen regions would better reflect economic realities.

The House of Commons

Reform of the House of Commons was rarely mentioned as a topic in itself but there were a few specific proposals. Members of Parliament should be provided with better research assistance and have greater access to government information. To assure more contact between MPs and their constituencies, it was suggested that "the amount of time the Commons is in session should be limited."

In general, however, speakers approached the subject of Commons reform through electoral or party system reform. The assumption seemed to be that changes in these two areas would enable the Commons to work more effectively, even without any other structural changes.

Electoral system reform

To reduce the predominance of heavily populated regions in the House of Commons, a citizen in Calgary proposed that Ontario and Quebec "each be limited to not more than 20 per cent of the total seats" of the House of Commons. The most frequently proposed substitutes to the present electoral system, however, were variants of proportional representation. This type of representation was championed as one which could give each party a number of seats in line with the numbers of votes received; as a consequence, "parties would no longer seem to be regionally homogeneous blocs." Further, since all votes would be reckoned in the distribution of seats, "a vote would be a vote wherever found"; today's concern, that votes cast for a losing candidate are lost votes, would be erased.

Supporters of proportional representation admitted that it might make minority or coalition governments more likely, and that "the average life of a government would be shorter." But the payoff would be "improved regional representation" and a cabinet "forced to take Parliament seriously."

To counter the likelihood that proportional representation would still leave the central provinces in a dominant position, a citizen in Vancouver proposed that "there should also be concurrently some form of representation in the federal Parliament by regional groups of provinces."

The party system

One change proposed for the party system was that its functions should be "quite explicitly"

“The creation of an elected Senate, with the same powers as those now given the Senate in the BNA Act, would not bring down the curtain on federal-provincial conflict. It won't bring an end to regional disparity or create a bilingual, bicultural paradise. . . . But it will tend to shift some of the conflict to another level and make it internal to the workings of the central government itself. It will make senators the direct representatives of the interests of their regions or provinces. It will make the Senate more powerful than the provincial governments in protecting regional interests. That's why some provincial politicians will oppose it.”

(in Calgary)

“Senators could be elected (as in the United States) or appointed as delegates of provincial governments (as in West Germany). Only thus can a senator have an independent power base as a meaningful representative of regional and cultural diversity in Canada, and be plugged into the centre of national policy-making.”

(in Vancouver)

“The creation of an elected Senate would entail a fundamental restructuring of parliamentary democracy in Canada, a restructuring about which even western Canadians would be extremely cautious if they were aware of the scope of change involved.”

(in Calgary)

18. Regional representation in central institutions

spelled out in the constitution. Some participants also suggested that it could be loosened up somewhat. Relaxed party discipline, it was said, would free party members to declare their personal and regional positions more forcefully.

The regulatory agencies

To achieve what Premier Davis of Ontario called "fuller expression of regional interests," it was sometimes said that the directors of significant federal agencies and commissions should be appointed by "a process involving provincial governments as well as the Government of Canada." The purpose would be to ensure that appointees had knowledge of, and concern for, provincial interests and points of view. One speaker asked if it would "really hurt if 40 per cent of people serving on boards of government or as directors were appointed by the provinces?" To him, this would be a "very, very useful" change in Canadian federalism.

Background

Definition

Fundamental rights are "claims" possessed by a person or group of persons and guaranteed by law. They are meant to protect citizens from the arbitrary exercise of power by governments and from a possible "tyranny of the majority" of their compatriots. These rights are both individual and collective. The first belong to all persons in a state, regardless of their membership in any group or community. Examples are the freedom of expression, the right of association, the right to a fair hearing, the right of ownership and the right to education.

Collective rights are of two types. The first may be claimed by an individual because of his membership in an identifiable group. An example is the school rights of religious groups protected by the BNA Act. A second type of collective rights applies only to collectivities as a whole. An individual cannot claim them for himself, but only on behalf of a collectivity. An example would be the right to strike and the right of self-determination of peoples.

Legislation

In Canada, fundamental individual rights are guaranteed by various legal sources: by the constitution (which, by virtue of the preamble of the BNA Act, bestows upon Canadians centuries of British constitutional tradition in the area of human rights), by federal and provincial statutes and by the common-law and civil-law systems, as interpreted by the courts.

Specific bills of rights have been enacted by Saskatchewan in 1947, by the Parliament of Canada in 1960 and by Quebec in 1975, applicable in their respective areas of jurisdiction. Human rights acts and codes, with commissions set up to implement their provisions, have also been adopted by Parliament and provincial legislatures.

Canada does not, however, have a constitutional bill of rights as do the United States and many other countries, federal and unitary. A proposal to "entrench" a list of basic rights in the Canadian constitution is included in the central government's Constitutional Amendment Bill (1978).

The "entrenchment" of rights involves placing them beyond the ordinary reach of political executives or legislatures by incorporating them into a part of the constitution. To be changed, they would thereafter require a special amendment, a procedure more difficult than the simple passage of an act by the competent legislature. Such a procedure in Canada might require not only the participation of Parliament, but also the consent of the provincial executives or legislative assemblies or the consent of the electorate itself by way of a referendum. That procedure is, generally, itself incorporated in the constitution.

Language rights

Certain language rights are mentioned in section 133 of the British North America Act and section 23 of the Manitoba Act of 1870. These "constitutional rights" are construed by the courts as "entrenched."

The documents in question, however, cover only the legislative and the judicial processes — and only in Quebec, Manitoba and in the federal sphere. In Manitoba, Section 23 was rendered inoperative by a provincial statute in 1890. The matter is presently before the courts.

The language of education and the language of public services are protected in some instances by ordinary federal or provincial legislation, for example, the Official Languages Act (1969) with respect to federal services. But, except for the cases mentioned above, they are not constitutionally guaranteed at present in Canada.

The Constitutional Amendment Bill (1978) proposes for entrenchment a fairly extensive list of rights, including those relating to the individual and to languages applicable in the legislatures, the courts, public services and education. In the latter category, parents would be guaranteed

Honestly,
Mr Levesque?



David B. S.
CANADIAN WIDE

freedom to choose the official minority language for the education of their children — where official minority language schools exist. And these would exist at the discretion of the provinces where "numbers warrant." The courts, however, could decide whether the definition of that criterion in provincial laws was "reasonable."

Other "rights" mentioned in this chapter pertain to the protection of other languages, of cultures, and social, economic and political objectives. However important they are, the possibility of implementing some of them in law is often questioned by specialists.

Questions

What would be the best way of protecting fundamental rights, individual and collective, in Canada? By acts of the legislative bodies, federal and provincial, to be interpreted in specific cases by the courts? Should they be entrenched in the constitution? Should linguistic, cultural, minority and native rights be included? Should language-of-education rights be included?

“Because the British North America Act is an act of the British Parliament and because it was drawn up to meet the late nineteenth century needs of four colonies considering union, we feel that it is inadequate to meet the needs of present day Canadians. The original intent of the BNA Act has been lost as a result of judicial interpretation in a court beyond Canadian control.”

(Students of St. John High School, in Moncton)

“Canada is the only modern country in the world whose constitution is an act of parliament of another country. . . . It is a horse and buggy constitution which fails to provide for, or cope with, the vast changes that have taken place in Canada since 1867.”

(B.C. Provincial Committee of the Communist Party, in Vancouver)

“The Fathers of Confederation devised a combination of traditional parliamentary government and federalism. No one should be surprised if there are difficulties in operating it. Indeed, by any appraisal, the wonder is we have not had more.”

(in Calgary)

“It is a great fallacy to assume that our constitution is outmoded because it flows out of the British North America Act enacted in 1867. In reality, we are governed under a “living constitution,” one which has undergone remarkable changes in the distribution of governmental authority in the past century. In fact, throughout our history, most of the avenues for solution of our current dilemma have been thoroughly explored. We should be under no illusion that there are any magic wands which no one hitherto has been clever enough to discover.”

(Labour Relations Board of B.C., in Vancouver)

“There is but one course to follow: patriating the constitution at the earliest and doing away with the last remnants of the British tie so that all together we may, for once in our history, be mature enough to take responsibility for our destiny.”

(in Montreal)

“Canada, it is said, is a mature country but sometimes I wonder whether this is true, since we have not been able to agree on the patriation of the constitution.”

(in Montreal)

“We feel that the Canadian Parliament should exert full sovereignty over all constitutional matters and consequently the necessity of petitioning the United Kingdom Parliament regarding amendments of the British North America Act should be terminated as soon as possible pending full concurrence of all provinces.”

(Canadian Polish Congress, Inc., in Toronto)

“That alternative could include bringing the British North America Act to Canada. But what would we do with it when we got it here? Would we be able to do any better than we have for the last century? As a politician, I suspect the answer is no.”

(Paul Godfrey, in Toronto)

Opinions

Some participants at the Task Force hearings reminded the Commissioners that the rights and liberties of Canadians have been violated at times in Canadian history. "Even our recent history," claimed a citizen in Vancouver, "is pockmarked with incidents that would shame a Nazi." Some cited the "activities" of the RCMP and other police corps as an "unnecessary infringement into the civil liberties" of Canadians. Others, referring to the October crisis of 1970 in Quebec, bitterly criticized the use of the War Measures Act to "crush" the "rights of citizens."

Many participants recalled the various "injustices" suffered by diverse Canadian groups. Spokesmen for francophone minorities outside Quebec objected, sometimes vehemently, to being deprived of the right "to remain different," and "to continue as a distinct community," "as equal citizens." Many in the Acadian communities of the maritime provinces deplored the fact that they were being denied their "linguistic and cultural rights," "certain well-defined language rights," by actions "restricting or entirely abolishing" the right to an education in French. Similarly, several spokesmen for the anglophone minority in Quebec claimed that their "linguistic and cultural rights" were being threatened. Bill 101, one group stated, was robbing anglophones of the right "to survive as a distinct community" in Quebec.

A great number of francophone Quebecers speaking at the Task Force hearings contended that they had been deprived of their "collective rights." Some condemned the central government for denying Quebec the "right to develop its own linguistic and cultural policies," and Quebecers "the right of equality of both official cultures." Several referred to English Canada's refusal to acknowledge Quebec's right "to plan its own economic destiny." We have been denied our "economic rights," said a Montrealer, because we have been prevented from "earning a living in our own language" and barred "from participating in the leadership of big Canadian companies." Still others lamented "the fact" that francophone Quebecers were deprived of their right "to determine [their] political future" and "to be political masters in [their] own house."

Some ethnic minorities contended that they were being denied the right "to protect and cultivate" their culture. Without minority language rights, argued one group, "our right to preserve our ethnic and language differences" is doomed. Others argued that they were also being denied the opportunity "to participate in the economic and political power structure of the country" and therefore the right "to have a say in the future of Canada."

Equally vigorous were the protests of native groups who told the Task Force that their "national rights" were not being respected: namely, the right "to be considered as one of the founding nations of Canada" and "to be full partners in Confederation." Some contended that without certain "linguistic and cultural rights," the native peoples' entitlement "to survive as a unique cultural entity" would be lost. Still others recalled the long years of repression of "certain economic and political rights," which included "aboriginal rights," the right of "self development and self-sufficiency," and the "right truly to participate in our own political institutions and in the process of constitutional reform."

Some speakers, on the other hand, argued that Canada had generally done "a good job" of protecting the "rights and freedoms of its citizens." "This principle of individual civil freedom," argued the Winnipeg Jewish Community Council, "is basic to all our legislation. . . . [This country] has built an enviable body of law at both levels, federal and provincial, which buttress the principle in many tangible and practical ways." A citizen in Ottawa stated that "one of the deepest aspects of our national character has been its cultural tolerance towards minority groups." All democracies afford their citizens freedom under the law, he added, "but many do not go so far as to allow cultural freedom."

"Our present constitution is a miracle of statecraft. In spite of the ravages wrought upon it by the Judicial Committee, it is still marvellously flexible, giving us ample room to meet special needs by special arrangements; ample room for adaptation, innovation, ample room to solve new problems by the exercise of what Sir Robert Borden called 'the common place quality of common sense'."

(Senator Eugene Forsey, in Ottawa)

"The need for a major revision in the BNA Act has been blatant for fifteen years. . . . If this had been done ten years ago, I feel that much of the PQ's attractiveness to its electorate would have disappeared."

(in Vancouver)

"We do not need a change of constitution, what we need is a drastic change in the whole direction of our economy by the federal government. Canadians don't want ten provinces with more powers, they want a strong central government which can direct our economy, our communications, our transportation. A change in constitution is not necessary and a change in constitution will not satisfy the separatists."

(in Toronto)

"... The venerable British North America Act no longer relates to modern conditions. The Fathers of Confederation could not foresee the series of challenges which today face their country because of the changes which have taken place in the social and technological order."

(The Vancouver Board of Trade, in Vancouver)

"In order to maintain Quebec in Canada, constitutional change which will accommodate Quebec's aspirations is a necessity."

(Students of St. John High School, in Moncton)

"Patchwork repair on the present BNA would not sufficiently restructure the country and would perpetuate present inequalities and the sense of frustration."

(Multicultural Council of Windsor, in Toronto)

"I feel that major changes in our constitution will provide a climate that can make unity a possibility, rather than a forlorn hope, once again."

(in Winnipeg)

"The Canadian constitutional crisis must be solved with a "made-in-Canada" constitution that recognizes Canada as a bi-national state."

(Calgary City Committee of the Communist Party of Canada, in Calgary)

"We have had endless discussions over many years of constitutional reform, and we have little to show for all that effort. We have been so caught up in all the individual complexities and dilemmas and trade-offs that we have been frozen into inaction. We have now reached the point where the question must be put, and my motion is that we enlarge our horizon and set aside all the bits and pieces and past wrangles. It is time to have a new constitution."

(Premier William Davis of Ontario, in Toronto)

"Our present constitution is flexible enough to accommodate much of what might reasonably be demanded in a modern federal system."

(Warner Jorgenson, in Winnipeg)

Proposals

"If we are to redress the grievances of the past, then we must afford greater protection to our citizens." This statement by one Canadian reflected the basic sentiments of many who wanted to see the "enshrinement" of a diversity of rights in the constitution.

To entrench or not to entrench?

The majority of speakers favoured the "entrenchment" or the "integration" of some rights in the constitution. The idea of entrenching, a Vancouverite believed, was "now virtually accepted by the public, if not yet by all governments." "Let it be," argued the Federation of Canadian Municipalities, "a charter of the rights and the liberties [of individuals] as well as of the duties and the responsibilities of their governments at all levels."

Speakers supported entrenchment for a variety of reasons. Some maintained that the BNA Act does not properly define the basic relationship between government and citizens, and it "is madly defective in defining these civil liberties issues," declared a professor in Vancouver. A citizen in the same city said that entrenchment would bring clarity to the "immutability of individual rights." Other proponents of entrenchment asserted that it would "afford greater protection than that provided by statutes." Many criticized as inadequate the protection offered by the Official Language acts of Canada and New Brunswick, the Charter of the French Language in Quebec, and the laws, regulations and practices of other provinces in matters of the language of education and other public services. "Fundamental rights," argued the Canadian Federation of Municipalities, "cannot be left to the generosity or intolerance" of a parliamentary body.

Others suggested that elevating the Bill of Rights from a federal statute to constitutional status "might be a signal to the courts to cease their skitterish interpretation of that document."

Many speakers felt entrenchment was unnecessary. Some, looking for improvements by way of ordinary legislation and regulations, contended that the last word in this matter should be left to elected representatives of the people. They cited the need for flexibility in legislating on human rights so as to make them applicable in diverse circumstances of time and place. Reflecting this view, a professor in Calgary argued that Parliament and the provincial legislatures should debate fundamental rights "and a list of these should be drawn up in a formal statement — to be passed by all eleven authorities." He concluded that in a parliamentary system it is better to recognize rights formally than to attempt to enshrine them.

What to entrench in the constitution?

A minority of participants at the hearings thought it necessary to protect only certain already well-defined and generally accepted individual rights in the constitution. These would encompass primarily "freedom of thought, conscience, religion, opinion and peaceful assembly." Some, such as the Multicultural Council of Windsor and Essex County, Ontario, among others, wanted to include those rights "as expressed in the Canadian Bill of Rights."

Other speakers went further, arguing that each Canadian, as an individual, was entitled to certain "social rights" which should also be guaranteed in the constitution. Senator Paul Yuzyk spoke of the need "to promote economic, social and cultural equality for all Canadians as individuals," while a citizen in Moncton urged that "equal rights and opportunities" be guaranteed to all Canadians regardless of "their ethnic, racial or religious background." Others suggested that federal equalization payments and programs for the reduction of disparities had become essential if all Canadians were to enjoy the right of access to adequate public services.

Some spoke, as did one Torontonians, of the necessity to recognize the "economic rights" of every Canadian in order to redress "the social and economic inequalities and injustices" of Canadian society. The B.C. Provincial Committee of the Communist Party asserted (nor was it alone in this), the rights of every citizen "to a job, to health, housing and the democratic rights of labour." The right to "a decent job" was often mentioned, particularly by the unemployed.

“There is a serious danger in undertaking a constitutional revision. Once the door is opened to massive constitutional change, it is difficult to close it without great and perhaps destructive revision. When you go about the country seeking opinions on what the constitution ought to be, you impair respect for the law as it now is. It is assumed that the government has decided to change the basic law that underpins the country, and it will be very difficult not to change it.”

(The Law Society of PEI, in Charlottetown)

“In our view, the British North America Act is outmoded as a constitutional document. . . . Canada as a federation or union should have a made-in-Canada constitutional document that embodies an amending formula.”

(Alberta Union of Provincial Employees, in Calgary)

“It is more important that the central government change its attitudes than undertake changes to the constitution. Arrogance must give way to modesty and verbal invective be replaced by a sympathetic understanding of grievances.”

(in Quebec)

“May I suggest that the federal government adopt a new constitution as soon as possible; it would be preferable, however, if this could be accomplished after consultation and in cooperation with each of the provinces. If the parties cannot come to an agreement, then the matter should be decided by the majority of Canadians through a referendum or a Canada-wide vote.”

(in Montreal)

“... constitutional changes ... are too important to be left solely to politicians. ... I suggest that ... a constituent assembly perhaps best expresses [what we need] — input from all levels and every segment of the community across Canada.”

(in Calgary)

“We call upon the prime minister and all provincial premiers to assemble a broadly-based constitutional conference at which the terms of Confederation can be debated with a view to achieving the modifications necessary to meet the changing needs of a nation now 110 years old.”

(Union of British Columbia Municipalities, in Vancouver)

“... the Multicultural Council proposes the convening of a national constitutional assembly. This assembly, empowered to develop a new constitution, should be composed of persons nominated by the federal, the provincial and municipal governments, as well as those from economic, social and cultural organizations.”

(Multicultural Council of Windsor, in Toronto)

“I'm going to come out in the support of a constitutional assembly or a constituent assembly or a constitutional conference — call it what you will. It seems to me that our existing institutions are locked in a confrontation and I'm concerned that they won't be able to work their way out of it. After all, the constitutions of most of the western nations, with the exception of Great Britain, have all been drafted pursuant to a constitutional assembly. And I would like to see this idea thoroughly canvassed.”

(in Vancouver)

The general public was no less certain that cultural and linguistic rights should be included in the constitution, though, generally speaking, experts were far from agreeing on the wisdom of doing so. Some proponents of English-French duality wanted the principle of equality between the two founding peoples — variously defined as "equality," or "equal partnership" or "equality of opportunities" — to be "enshrined" in the new constitution. To most, the consequences of doing so would be linguistic. To some, however, the consequences would be political in the sense that their constitutional recognition would affect the institutions of the country, making them more bi-cultural. Those who saw the consequences as linguistic only, wanted the right of the French and the English languages to be recognized in the legislatures, the courts, the public administration, broadcasting, and education, either everywhere in Canada or — a major qualification — wherever numbers permitted. Others opposed the whole process, denying the existence of such rights.

Reflecting the convictions of many, the PEI Human Rights Commission contended that language and language-of-education rights should be protected, not because they are "basic or fundamental human rights" but because they have acquired a "special and powerful status" in the life of the country, and because they "may be integral to the existence or survival of a culture, which some citizens may regard as tied to their own identity." In that context, they would be "constitutional rights" only.

A francophone group in Toronto maintained that the constitution should guarantee "that all levels of government will offer their services in both official languages," and that "the federal government [the constitution] accord to the nine other provinces the same minority language rights it now accords Quebec under Section 133 of the British North America Act." It was also suggested by this group that "a linguistic dimension be added to the religious dimension in Section 93 in the BNA Act permitting federal control over the educational destiny of minorities."

Many speakers who supported the concept of multiculturalism argued for the entrenchment of the right of the two official language groups and of ethnic minorities, to "cultivate and preserve their culture." Some wanted to enshrine "cultural freedom" or "the principle of equality of opportunities" for all cultures. The Winnipeg Jewish Community Council argued that legitimate needs and rights of multicultural groups could best be protected by "specifically proclaiming the multicultural nature of the Canadian body politic." The Multicultural Council of Windsor and Essex County, Ont., observed that minority languages "deserve support whenever ethno-cultural groups are committed and capable of maintaining their linguistic identity, but they should not have constitutional protection." Some leaders of "ethnic groups" saw their language-of-education rights more as a provincial responsibility than as a federal one.

Spokesmen for the native peoples requested the entrenchment of their cultural and linguistic rights, and the constitutional recognition of their entitlement to compensation for their land claims and of their right to political self-determination and self-government.

Other speakers said that group rights should also include certain political rights. Some referred, as did several Acadian spokesmen, to the right of regional communities to control their "regional destinies," while others pointed to the right of the ethnic minorities "to equality of representation in central institutions." The Multicultural Association of Fredericton asserted that the "politically under-represented ethno-cultural groups [should be] . . . fully admitted to national decision-making bodies at all institutional levels. A significant number asserted that Quebec was entitled to the right "to determine its own cultural destiny," "the right of self-determination," and the right to control its "political destinies" (see Part III on Quebec).

Still others argued that minorities were not entitled to much protection, either legislative or constitutional. There are limits to the capacity of any country to guarantee to a minority that it will always be satisfied with the decisions made "in accordance with the procedure of majority rule," to quote one participant.

Background

The most radical way of changing a constitution is to replace it with a new one. Some political thinkers have suggested that a country should have a new constitution every generation or so, to keep in touch with the real world. Conversely, others have tended to judge the value of a constitution by the number of years it has been in existence.

There are other methods by which a constitution, particularly a federal one, can be changed in law or in fact: judicial interpretation, formal amendment, delegation of powers, constitutional convention, and executive agreement between the central and provincial governments.

Judicial interpretation

As they adjudicate conflicts placed before them by individuals, corporate bodies and governments, the courts, especially the Supreme Court, are called upon to interpret provisions of the constitution. In Canada, the high courts may also be invited by governments to do so directly, by references. Their interpretations become part of the constitution itself – implicit amendments – and, over a period of time, may influence its very character. Together, the decisions and opinions of the courts may, for example, reinforce centralizing or decentralizing tendencies in the distribution of powers in a federal state.

Formal amendment

A formal amendment takes place when a new article or section is inserted in the constitution or when an existing one is removed or modified following a special procedure which itself is generally part of the constitution. The authors of all constitutions try to make them rather difficult to amend formally so as to ensure continuity and prevent "tinkering" – the making of changes for narrow or temporary purposes.

The British North America Act, our main constitutional document, has been amended about twenty times since 1867. The provincial legislatures may amend their own constitutions – except in relation to the office of lieutenant-governor – and some have done so, for example, by eliminating upper houses. In 1949, Parliament acquired, by an amendment to the BNA Act, the power to change "the Constitution of Canada" in all but six areas, one of which is the distribution of legislative powers. Only the British Parliament can, at Canadian request, amend these excepted areas. In this limited way, the Canadian constitution is still domiciled in the United Kingdom.

Those who want to end this situation call for "patriation of the constitution." The obstacles lie within Canada: Canadians have been unable to agree on a general formula of amendment, a prerequisite to patriation in the minds of many political leaders. The Victoria Charter (1971) contained such a formula but neither it, nor any other, has been accepted by all the provinces.

Delegation of powers

Delegation of legislative powers from Parliament to provincial legislatures, or vice-versa, is not permitted in Canada. The Supreme Court has ruled that the legislative powers given to each level of government are mutually exclusive. But administrative delegation to a subordinate body – a commission or a board – of another level of government is permitted. It has been used, for example, for the regulation of interprovincial transportation where provincial agencies implement federal legislation. Although delegation, unlike formal amendment, does not change the constitution in law, as is the case with a formal amendment, it does contribute to its evolution.

Convention

Over the years, conventions have developed outside the framework of the constitution, sometimes even contrary to its written provisions. Conventions are practices of government held by politicians to be binding. There is perhaps no better example than the principle of responsible government. The constitution says very little about it, but the conventions of responsible government underpin the roles of the prime minister and the cabinet, and govern relations

PROVINCIAL PREMIERS'
CONSTITUTIONAL
Conference

NO SNORING
SVP



between the executive and the legislative branches. Another example: the authority of the monarch has been subjected to constitutional conventions that have made it almost totally dependent on the will of the elected representatives. Other sections of our written constitution have been made more or less obsolete by conventions; for example, the powers to reserve provincial bills and to disallow provincial laws.

Executive agreement

Many agreements, often in such vital fields as taxation, are reached following negotiations between members of the central and the provincial cabinets. These meetings contribute so much to the realities of the Canadian federal system that the Canadian system is often referred to as "executive federalism." These agreements are sometimes followed by legislation in Parliament and in the legislative assemblies.

Questions

Would Canadians be satisfied with constitutional changes by way of formal amendments, court decisions, new conventions, a few delegations of powers or more executive agreements? Or are they looking for a major revision or a completely new constitution? If the latter, how could it be achieved? Should patriation take place before a formal amending formula is agreed upon?

“Because the British North America Act is an act of the British Parliament and because it was drawn up to meet the late nineteenth century needs of four colonies considering union, we feel that it is inadequate to meet the needs of present day Canadians. The original intent of the BNA Act has been lost as a result of judicial interpretation in a court beyond Canadian control.”

(Students of St. John High School, in Moncton)

“Canada is the only modern country in the world whose constitution is an act of parliament of another country. . . . It is a horse and buggy constitution which fails to provide for, or cope with, the vast changes that have taken place in Canada since 1867.”

(B.C. Provincial Committee of the Communist Party, in Vancouver)

“The Fathers of Confederation devised a combination of traditional parliamentary government and federalism. No one should be surprised if there are difficulties in operating it. Indeed, by any appraisal, the wonder is we have not had more.”

(in Calgary)

“It is a great fallacy to assume that our constitution is outmoded because it flows out of the British North America Act enacted in 1867. In reality, we are governed under a 'living constitution,' one which has undergone remarkable changes in the distribution of governmental authority in the past century. In fact, throughout our history, most of the avenues for solution of our current dilemma have been thoroughly explored. We should be under no illusion that there are any magic wands which no one hitherto has been clever enough to discover.”

(Labour Relations Board of B.C., in Vancouver)

“Our present constitution is a miracle of statecraft. In spite of the ravages wrought upon it by the Judicial Committee, it is still marvellously flexible, giving us ample room to meet special needs by special arrangements; ample room for adaptation, innovation, ample room to solve new problems by the exercise of what Sir Robert Borden called 'the common place quality of common sense'.”

(Senator Eugene Forsey, in Ottawa)

“. . . The venerable British North America Act no longer relates to modern conditions. The Fathers of Confederation could not foresee the series of challenges which today face their country because of the changes which have taken place in the social and technological order.”

(The Vancouver Board of Trade, in Vancouver)

“It would be sheer folly to adapt our constitution to the present situation. We must send it back to England. We need an all new one.”

(in Toronto)

“In every stratum of Quebec society, federalists firmly believe that the present constitution, although imperfect, remains a tool that has never been put to full use.”

(in Montreal)

“If Canadians of French culture wish to write a new constitution, let's do it.”

(Senator Henry Hicks, in Halifax)

Opinions

In previous chapters, the Task Force has reported what constitutional changes were perceived to be needed by different groups of Canadians in order to achieve their "linguistic, cultural, economic and political aspirations." We now focus on what was said about the means available to achieve these changes.

Three broad possibilities were envisaged by the public: the British North America Act could be replaced by an entirely new Canadian constitution; the existing constitution could be retained, but with major changes made either before or after patriation; the existing constitution could be retained, patriated or not, with only minor changes.

An obsolete document

Support for a "brand new constitution" came from a great variety of sources. Premier Davis of Ontario said: "It is time to have a new constitution [if] our federal state [is] to respond better to people's problems." A professor in Vancouver stated emphatically: "We need a new constitution." The members of an ethnic association in Regina supported "the proposition that the British North America Act be replaced." So many "bits and pieces" had to be put together that a new made-in-Canada document was described many times and everywhere as "inevitable" and "the solution to the present crisis."

Many who favoured a new or significantly altered constitution argued that times have changed greatly since 1867: the "venerable" British North America Act "is a horse and buggy constitution" which "no longer relates to modern conditions," has become "inadequate," "obsolete" and therefore "should be revised to reflect Canada's present realities." A citizen in Calgary made this analogy: "We have a constitution which is 100 years old when today in the stores 80 percent of the products that you can buy were not even in existence five years ago." A Torontonian concluded: "The Fathers of Confederation did not have the last word about Canada. Our constitutional arrangements were changed substantially in 1870, 1871, 1873, 1905, 1931 and 1949. . . . What we need now of course is no mere tinkering."

We saw in Part III that "constitutional tinkering" was far from what most francophone Quebecers had in mind when discussing acceptable alternatives to sovereignty-association. Elsewhere, too, a considerable number of participants made it abundantly clear that their region or province also had needs that required "major revision" of the BNA Act. For a Torontonian, patchwork alterations simply could not solve "the present inequalities and sense of frustration" that afflict so many Canadians. The Committee for a New Constitution called the BNA Act an "obsolete barrier," blocking the country's political evolution. This view was echoed by a Saskatchewan Ukrainian group who argued that the structure created 110 years ago "no longer serves the best interests of the country." A speaker in PEI summed up the view of many when she said: "Even if Quebec leaves, we will still need a new constitution."

Some who were anxious to see a completely new constitution were willing to recognize that the existing one had "served Canada well." Their desire to start from scratch was often based on some sort of symbolic value attached to the fact of breaking with the past. A citizen from Winnipeg, for example, said a new constitution would provide "a climate that can make unity a possibility rather than a forlorn hope." Said a letter from Ottawa: "Constitutional revision is not without attractions, if only as an opportunity to create a vivid symbol of the kind of country we are or want to become." A citizen from Port Elgin, N.B., wrote: "To try something new with a chance of success is far better than to continue with something that has been tried but has failed." A Winnipegger declared: "We should reshape our institutions to fit new cultural, economic or political realities." An Ottawaer suggested that "a new constitution be devised as a living, inspiring testament to the spirit and determination underlying our national consciousness."

A miracle of statecraft

Many agreed on the need for some constitutional change but not for an entirely new document. To a certain number of Canadians the present constitution is a "miracle of statecraft," "well adapted

“In order to maintain Quebec in Canada, constitutional change which will accommodate Quebec's aspirations is a necessity.”

(Students of St. John High School, in Moncton)

“Patchwork repair on the present BNA would not sufficiently restructure the country and would perpetuate present inequalities and the sense of frustration.”

(Multicultural Council of Windsor and Essex County, in Toronto)

“I feel that major changes in our constitution will provide a climate that can make unity a possibility, rather than a forlorn hope, once again.”

(in Winnipeg)

“Our present constitution is flexible enough to accommodate much of what might reasonably be demanded in a modern federal system.”

(Warner Jorgenson, acting premier of Manitoba, in Winnipeg)

“The need for a major revision in the BNA Act has been blatant for fifteen years. . . . If this had been done ten years ago, I feel that much of the PQ's attractiveness to its electorate would have disappeared.”

(in Vancouver)

“We do not need a change of constitution, what we need is a drastic change in the whole direction of our economy by the federal government. Canadians don't want ten provinces with more powers, they want a strong central government which can direct our economy, our communications, our transportation. A change in constitution is not necessary and a change in constitution will not satisfy the separatists.”

(in Toronto)

“To facilitate the fulfilment of our worthy aspirations, a new modern constitution is vitally and urgently needed, for which the 1972 Report of the Joint Parliamentary Committee is an indispensable basis.”

(Senator Paul Yusk, in Ottawa)

“We need a new constitution. It is not true that the silences of the constitution are the glories of the constitution!”

(in Vancouver)

“There is a serious danger in undertaking a constitutional revision. Once the door is opened to massive constitutional change, it is difficult to close it without great and perhaps destructive revision. When you go about the country seeking opinions on what the constitution ought to be, you impair respect for the law as it now is. It is assumed that the government has decided to change the basic law that underpins the country, and it will be very difficult not to change it.”

(The Law Society of PEI, in Charlottetown)

“The Canadian constitutional crisis must be solved with a “made-in-Canada” constitution that recognizes Canada as a bi-national state.”

(Calgary City Committee of the Communist Party of Canada, in Calgary)

to a country oriented towards the future" and "flexible enough to accommodate much of what might reasonably be demanded in a modern federal system." One told the Commissioners that "we are governed under a 'living constitution', one which has undergone remarkable changes." A group in Halifax called for the "rejuvenation of our federal system."

In fact, confidence that constitutional change would be beneficial was not shared by everyone. On the contrary, some saw possible "danger" in revision — because "we would do no one any particular good, whether inside Quebec or outside Quebec, if we engaged in short-sighted tinkering with our federal structure, perhaps ultimately making the country, as a whole, largely ungovernable." Senator Henry Hicks observed with a smile that a constitutional document is "rarely an impediment when politicians want to do something." A group from B.C. said, "A constitution is written for the centuries. It should not be rewritten in the heat of the moment, no matter how pressing." Senator Eugene Forsey was convinced that "any text you can devise is certain to leave something out or to be so elaborate as to face the judges with daunting problems of interpretation, or both." This to him was but one of the dangers and disadvantages of a written constitution. He lauded the "silences" in the BNA Act as "its greatest glory, because they leave us room to breathe, to innovate . . ." To some, talking about revision "impairs respect for the law as it is now," to use the words of a PEI law group. "Have we realized," asked a professor of political science in Calgary, "that the Canadian constitution is now one of the oldest in the world, that it has been stable enough to provide all Canadians with much political freedom and happiness, yet flexible enough to have changed out of all recognition since 1867?"

A scapegoat

For others, such as Senator Maurice Lamontagne, "the Canadian crisis is not essentially of a constitutional nature." "At this time in our history," added Senator Ike Smith, we must "change the attitudes first, before amending the constitution." For the Alberta Federation of Labour, "constitutional changes, even in the most democratic form, will not solve our problems if our economic foundations continue to crumble." Others reasoned that "national unity is not something that can be legislated," an idea expressed in most cities the Task Force visited. In Winnipeg, for example, the Commissioners were advised: "There is no need to open the BNA Act [in order to make] necessary institutional changes." A professor in Calgary agreed and worried that the constitution is being used "as a scapegoat for social unrest."

Some speakers were sympathetic to the idea of constitutional change but opted against it because "there are several factors which limit the scope of possible change." For a citizen in Montreal, a limiting factor was that "Canadians have not yet developed the proper mentality, the proper attitudes of negotiation." A group in Moncton echoed a similar view when it referred to the difficulties of achieving constitutional reform in the absence of a consensus on "a common understanding of national goals." Two political scientists in Vancouver mentioned, among other limiting factors, the "considerable disagreement regarding the assessment of regional tendencies and identities." It was essential, in their view, to agree first on what changes would be generally acceptable.

“We have had endless discussions over many years of constitutional reform, and we have little to show for all that effort. We have been so caught up in all the individual complexities and dilemmas and trade-offs that we have been frozen into inaction. We have now reached the point where the question must be put, and my motion is that we enlarge our horizon and set aside all the bits and pieces and past wrangles. It is time to have a new constitution.”

(Premier Davis of Ontario, in Toronto)

“It is more important that the central government change its attitudes than undertake changes to the constitution. Arrogance must give way to modesty and verbal invective be replaced by a sympathetic understanding of grievances.”

(in Quebec City)

“The power to interpret the constitution is, as you know, a power of cardinal importance. In terms of constitutional development in Canada, it is much more significant than formal amendments to change the wording of the BNA Act through legislation.”

(in Vancouver)

“National unity is not something that can be legislated.”

(Federal Riding Association of the NDP, in Vancouver)

“There is, as you know, no need to open the BNA Act for revision in order to provide for a new and responsible kind of regional representation in the national government.”

(Canada West Foundation, in Winnipeg)

“There is but one course to follow: patriating the constitution... and doing away with the last remnants of the British tie so that all together we may, for once in our history, be mature enough to take responsibility for our destiny.”

(in Montreal)

“Canada, it is said, is a mature country but sometimes I wonder whether this is true, since we have not been able to agree on the patriation of the constitution.”

(in Montreal)

“We feel that the Canadian Parliament should exert full sovereignty over all constitutional matters and consequently the necessity of petitioning the United Kingdom Parliament regarding amendments of the British North America Act should be terminated as soon as possible, pending full concurrence of all provinces.”

(Canadian Polish Congress, Inc., in Toronto)

“That alternative could include bringing the British North America Act to Canada. But what would we do with it when we got it here? Would we be able to do any better than we have for the last century? As a politician, I suspect the answer is no.”

(Paul Godfrey, in Toronto)

Proposals

Patriation must come

Many speakers believed the first step would be to "patriate" the constitution. This was considered by some to be "an action that all Canadians endorse," "the only way to go." It is time, said the Royal Canadian Legion in Montreal, "for Britain to renounce all jurisdiction over the Canadian constitution." Others considered patriation inevitable: "It must come. . ." Some regretted that "we have not yet been able to agree on patriation. . ." But Senator Henry Hicks warned: "We don't automatically solve the really difficult problems of Canada by patriating the constitution."

Premier Bennett of British Columbia said that "patriation [should] be accompanied by an amending formula," preferably one which gives B.C. its own veto. Premier Davis of Ontario suggested an "amending procedure along the lines of the 1971 Canadian Constitutional Charter," a procedure also endorsed by the Canadian Polish Congress, among many others. A French-speaking Montrealer urged that, in one way or another, a formula of amendment must be found, one that would allow us "to adapt the constitution in years to come without going through periodic crises." Another warned, however, that not all formulas would be acceptable to Quebec. There must be "acceptable guarantees to all member states," he said. Some premiers reminded the Task Force that all premiers had agreed, at their 1976 conference in Toronto, on a list of powers to be transferred to the provinces from Ottawa before patriation would take place.

Leave it to the judges

To some speakers, judicial interpretation was still the most important avenue of constitutional change, short of rewriting the constitution. A few participants cautioned the Task Force against recommending too much "writing down" of constitutional provisions. Excessive detailing could be avoided by accepting customs and conventions as normal elements of a constitution. Conventions could, however, usefully be "formalized." An example would be the federal-provincial conferences of "First Ministers."

The principle of delegation of powers was looked upon favourably by the few experts who touched upon the subject — legislative delegation as a way to effect temporary changes in the distribution of powers for one or more provinces and administrative delegation as a way to avoid duplication of activities by the central and the provincial governments. The advantage of legislative delegation, said a constitutional expert, was that "if the arrangements don't work well, it is relatively easy to change them; while, if the special constitutional status does not work well, the only way to change it is by constitutional amendment, which may take years."

Leave it to the politicians

A good majority of participants saw constitutional change as exclusively a government responsibility. They were looking to negotiations between the prime minister and his advisers, and the provincial premiers and theirs, as the principal means of action in the months to come. Proposals, however, could come from a multitude of sources and the Task Force itself was urged to formulate its own as clearly as possible. Some people recommended that "the prime minister and all provincial premiers assemble a broadly based constitutional conference at which the terms of confederation can be debated." For New Brunswick's Premier Hatfield, constitutional negotiation should be left to political leaders. He urged the Task Force to reject the notion that the problems of Canada are too important to be left to elected politicians. If they do not solve them "they will not be solved at all," he said. Municipal leaders across the country told the Task Force

"... constitutional changes ... are too important to be left solely to politicians. ... I suggest that ... a constituent assembly perhaps best expresses [what we need] — input from all levels and every segment of the community across Canada."

(in Calgary)

"We call upon the prime minister and all provincial premiers to assemble a broadly-based constitutional conference at which the terms of Confederation can be debated with a view to achieving the modifications necessary to meet the changing needs of a nation now 110 years old."

(Union of British Columbia Municipalities, in Vancouver)

"In our view, the British North America Act is outmoded as a constitutional document. ... Canada as a federation or union should have a made-in-Canada constitutional document that embodies an amending formula."

(Alberta Union of Provincial Employees, in Calgary)

"British Columbia favours patriation of the BNA Act so as to place in Canadian hands control over its constitutional development. It would prefer patriation to be accompanied by an amending formula, but if an amending formula cannot be agreed to, then patriation must be accompanied by an express safeguard to provide that any amendments to the constitution of Canada affecting provincial rights would require unanimous approval, until an amending formula is agreed upon."

(Premier Bennett of British Columbia, in Vancouver)

"We suggest that a constitutional assembly be convened to deal with those matters that are of concern to French Quebecers."

(in Vancouver)

"A constituent assembly would probably produce not one draft constitution, but a dozen; and if the drafts were submitted to the people, as presumably they would have to be, only by a miracle could bewildered electors return a majority for any one of them. A constituent assembly is a recipe for chaos."

(Senator Eugene Forsey, in Ottawa)

"The future of Canada depends largely on the willingness of Canadians (and particularly that of those elected to public office at the federal, provincial and municipal levels) to agree to a revision of our constitutional framework to bring it into line with the facts and realities of the times in which we live. Furthermore, we consider a revitalized federalism, founded on a restructured constitution, to be the key solution to Canada's current difficulties, and the hope for its future."

(The Federation of Canadian Municipalities, in Ottawa)

"... the Multicultural Council proposes the convening of a national constitutional assembly. This assembly, empowered to develop a new constitution, should be composed of persons nominated by the federal, the provincial and municipal governments, as well as those from economic, social and cultural organizations."

(Multicultural Council of Windsor and Essex County, in Toronto)

that the central and provincial governments "must involve Canada's municipalities [in their ongoing] constitutional discussions."

Others called for a "national constitutional conference," very different from traditional federal-provincial conferences which were viewed by one Alberta group as involving "a dangerous and absurd closed doors" practice. The Committee for a New Constitution felt that the conferences had demonstrated their "limitations" for considering "major change." In offering other means than the first ministers' conferences, some participants, such as the French-speaking Teachers Union of Moncton, hoped the Task Force itself could redraft the constitution. The Human Rights Council of British Columbia and the Women's Institute of Nova Scotia wanted a "non-partisan standing commission," an "authorized group," to study and recommend to Parliament how the present constitution should be changed "now" and at "regular intervals." A citizen in Toronto favoured "some institution independent of Parliament which would... be guardian of our constitution and have the power to amend it."

Involve the people

The alternative suggested most often was a constitutional assembly "whose sole aim and function will be to produce a new constitution." Some supporters of the idea of a new constitution foresaw a three-step procedure. First, commissions would "identify the options." Then, a constituent assembly would debate and agree on proposals. Finally, there would be a national referendum to gain public approval. The constituent assembly, according to some participants, would consist of government delegates and representatives from intermediary bodies, and would produce constitutional "resolutions."

A Torontonian proposed "an election for membership in the constitutional assembly." Still others, such as the Multicultural Council of Windsor and Essex County, Ontario, proposed that the members be nominated by the three levels of government "as well as by economic, social and cultural organizations." Some would like to see an assembly based on representation by population. "Input from all levels and every segment of the community across Canada" was seen as vital because "constitutional changes are too important to be left solely to politicians" who, as one Torontonian put it, "can hardly see four years ahead."

To one Vancouverite, the main reason for creating a "constitutional assembly, or a constituent assembly, or a constitutional conference, call it what you will, was that [when] existing institutions are locked in a confrontation, they won't be able to work their way out. After all, the constitutions of most of the western nations have been drafted pursuant to a constitutional assembly." But Senator Forsey described a constituent assembly as "a recipe for chaos" which would produce "a dozen draft constitutions and only by a miracle could the bewildered electors return a majority for any one of them."

A referendum to gain the approval of Canadians for a new constitution was another popular proposal: "A new constitution should be submitted, not to the legislatures or to the Parliament of Canada, but rather to the people of Canada in a referendum in each province." The Committee for a New Constitution proposed that a draft constitution be prepared by a constituent assembly and then submitted "to public approval in a referendum." It should be held, in their view, "before the Quebec referendum." For a Montrealer, if the provinces and the central government do not reach an agreement, Ottawa would unilaterally present a draft and ask the whole country to approve it. But one Quebec political group felt that agreements among first ministers should precede the referendum and that the referendum should be adopted by a majority in all provinces. The Committee for a New Constitution felt that popular confirmation would require double majorities: approval in both Quebec and English-speaking Canada.

“When you go back to Ottawa, tell our national leaders that from sea to sea you have found a people who thirst today for a challenge to prove their national character and greatness and who wish to see raised in Canada a standard to which the wise and honest can repair. In this regard, the people of Canada are light years ahead of their political leaders.”

(in Vancouver)

Conclusion

Although there was, among those who spoke to the Task Force, a variety of views on the nature and kind of constitutional change needed, there was clearly a widespread consensus that the resolution of Canada's problems will require changes in the political and constitutional framework. For the most part, the public expressed a continued faith in the political leaders of Canada's governments to arrive at agreement upon the necessary changes, but with this was coupled a sense of growing impatience with the lack of progress to date and hints that unless there were soon signs of achievement, there would be a rising demand for an alternative and more effective way of securing a new or substantially revised constitution.

The Canadian public has used *A Time to Speak* to demand action to redress the political, economic and social dimensions of the unity crisis.

P.C. 1977- 1910

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 5 July, 1977

The Committee of the Privy Council, having had before it a report of the Right Honourable Pierre Elliott Trudeau, the Prime Minister, concerning Canadian unity, advise that

The Honourable Jean-Luc Pepin of Ottawa, Ontario

The Honourable John Parmenter Robarts of Toronto, Ontario

Mr. Richard Cashin of St. John's, Newfoundland

Dr. John Evans of Toronto, Ontario

Mrs. Muriel Kovitz of Calgary, Alberta

Mayor Ross Marks of Hundred Mile House, British Columbia

be appointed Commissioners under Part I of the Inquiries Act to enquire into questions relating to Canadian unity. During the course of their inquiry, the Commissioners shall

- a) hold public hearings and sponsor public meetings to ascertain the views of interested organizations, groups and individuals;
- b) work to support, encourage, and publicize the efforts of the general public, and particularly those of non-governmental organizations, with regard to Canadian unity;
- c) contribute to the knowledge and general awareness of the public the initiatives and views of the Commissioners concerning Canadian unity;
- d) assist in the development of processes for strengthening Canadian unity and be a source of advice to the government on unity issues; and
- e) enquire into any other matter concerning national unity that may be referred to the Commission by His Excellency in Council.

The Committee further advise that the Commissioners

- a) be known as the Task Force on Canadian Unity;
- b) be authorized to exercise all of the powers conferred upon them by section 11 of the Inquiries Act and be assisted to the fullest extent by departments and agencies;
- c) adopt such procedures and methods as they may from time to time deem expedient for the proper conduct and conclusion of the inquiry within one year and sit at such times and in such places in Canada as they may decide from time to time;
- d) be authorized to engage the services of such counsel, staff and technical advisers as they may require at rates of remuneration and reimbursement to be approved by the Treasury Board;
- e) file with the Dominion Archivist the papers and records of the Commission forthwith after the conclusion of the inquiry; and
- f) that the Honourable Jean-Luc Pepin and the Honourable John Parmenter Robarts be designated as Co-Chairmen of the Commission.

Appendix A

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P.M. PITFIELD

CLERK OF THE PRIVY COUNCIL – LE GREFFIER DU CONSEIL PRIVÉ

P.C. 1977-2361

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 24 August, 1977

The Committee of the Privy Council, on the recommendation of the Right Honourable Pierre Elliott Trudeau, the Prime Minister, advise that Mrs. Solange Chaput-Rolland, of the City of Montreal, in the Province of Quebec, be appointed a Commissioner, under Part I of the Inquiries Act, of the Commission of inquiry into questions relating to Canadian Unity, known as the Task Force on Canadian Unity, established by Order in Council P.C. 1977-1910 of 5th July, 1977.

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P.M. PITFIELD

CLERK OF THE PRIVY COUNCIL – LE GREFFIER DU CONSEIL PRIVÉ

P.C. 1977-2362

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 24 August, 1977

The Committee of the Privy Council, on the recommendation of the Right Honourable Pierre Elliott Trudeau, the Prime Minister, advise that Mr. Gérald A. Beaudoin, of the City of Hull, in the Province of Quebec, be appointed a Commissioner, under Part I of the Inquiries Act, of the Commission of inquiry into questions relating to Canadian Unity, known as the Task Force on Canadian Unity, established by Order in Council P.C. 1977-1910 of 5th July, 1977.

CERTIFIED TO BE A TRUE COPY – COPIE CERTIFIÉE CONFORME

P.M. PITFIELD

CLERK OF THE PRIVY COUNCIL – LE GREFFIER DU CONSEIL PRIVÉ

P.C. 1978-573

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 28 February, 1978

The Committee of the Privy Council, on the recommendation of the Right Honourable Pierre Elliott Trudeau, the Prime Minister, advise that Dr. Ronald L. Watts of Kingston, Ontario, be appointed a Commissioner, under Part I of the Inquiries Act, of the Commission of inquiry into questions relating to Canadian Unity, known as the Task Force on Canadian Unity, established by Order in Council P.C. 1977-1910 of 5th July, 1977, vice Dr. John Evans whose resignation has been accepted.

CERTIFIED TO BE A TRUE COPY – COPIE CERTIFIÉE CONFORME

P.M. PITFIELD

CLERK OF THE PRIVY COUNCIL – LE GREFFIER DU CONSEIL PRIVÉ

MANDATE

The mandate of the Task Force on Canadian Unity has three basic elements:

- a) "To support, encourage and publicize the efforts of the general public and particularly those of (voluntary) organizations, with regard to Canadian unity";
- b) "To contribute the initiatives and views of the Commissioners concerning Canadian unity";
- c) "To advise the Government (of Canada) on unity issues."

INTRODUCTION

The Task Force is committed to a Canadian federation, a system with the authority of the state shared by two orders of government, each sovereign and at the same time committed to cooperative association with the other, under a constitution. We believe that such a system is the one best suited to the diversity of our founding peoples and to the nature of our geographic, social and economic environments.

The Task Force also recognizes that Canada and its present federal system are under great stress. The creation of the Task Force is itself a testimony to this. All regions of Canada are reflecting and expressing this malaise. The most pressing questions are being raised in Quebec and the Task Force intends to give these high priority. Nevertheless, the concerns of other regions are vitally important and will be given our full attention.

The Task Force has been given a clear mandate by the Government to develop its own initiatives and ideas and we intend to do this. It is our intention to assemble concepts and policies which could constitute some of the elements of a third option for Canada. The Members of the Task Force do not feel bound by existing legislation and practices nor are they committed to views of any federal or provincial political party. Our mandate requires us to advise the Government and we will do so but we will also make our views public, not seeking conflict with any groups, but aware that our autonomy is essential to our credibility and usefulness.

We intend to function in a spirit of receptiveness and conciliation. We will work closely with the Canadian people. Throughout the period of our mandate, we intend to carry on a conversation with citizens of all regions and with experts in all disciplines, listening, attempting to understand, discussing both old and new concepts. We will be mindful of and will solicit the views of the federal and all provincial governments.

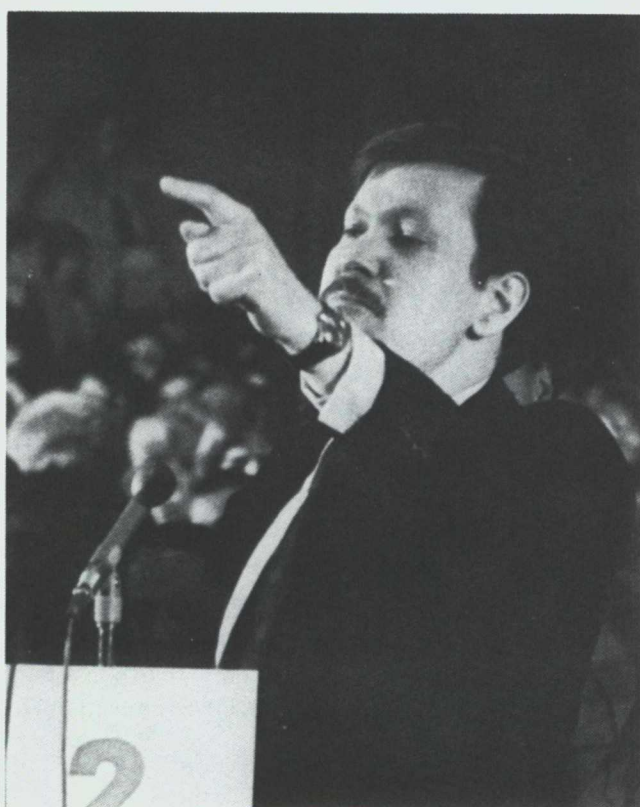
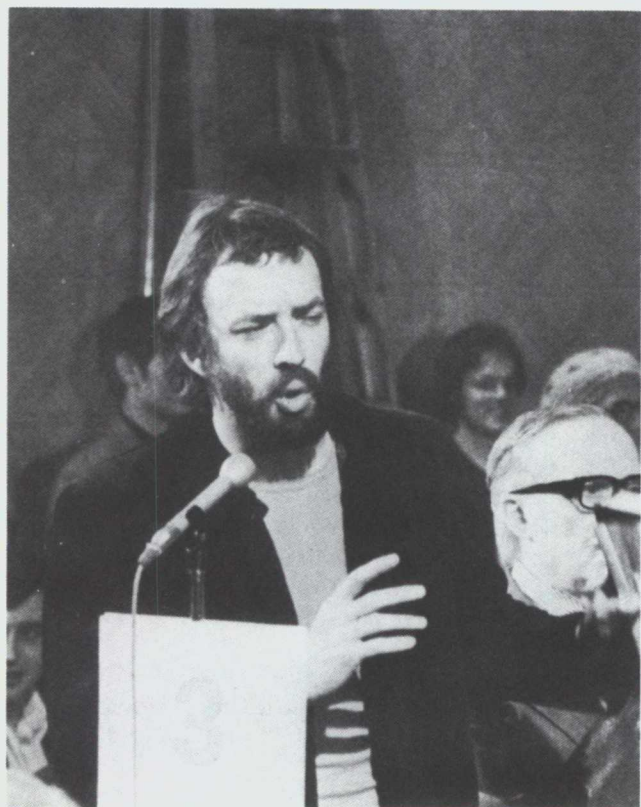
In accordance with our mandate, we intend to listen to and provide a forum for those associations of all kinds which are specifically searching for the terms of a better Canada. Such efforts represent a spontaneous and generous spirit which must be encouraged and which can provide Canadians with a very useful instrument for the consideration of our problems.

The Task Force will learn a great deal from these organizations and will give particular encouragement to those who wish to think about changes which can improve our political, social and economic systems. We will encourage such policy formation in every way and particularly through the provision of speakers and publications which might stimulate discussion.

ACTIVITIES OF THE TASK FORCE

Within the period of our mandate and within the overall framework of a dialogue with the Canadian people, we intend to do four things. To some extent, these activities will be taking place concurrently.

First, we intend to listen and attempt to understand the real concerns of all Canadians on the functioning of our social, economic and political institutions as they relate to our mandate.



Secondly, while we recognize the existence of tensions and the need for reforms, we intend to point out the positive aspects of the Canadian experience, both material and emotional, its flexibility and its potential for improvement under the pressure of enlightened public awareness.

Thirdly, we hope to be able to inform the Canadian people effectively about the complex issues at stake in creating a more satisfying country. We propose to clarify the options available and the advantages and disadvantages related to them.

Fourthly, we intend to make recommendations for changes in structures, concepts and attitudes which are required in order to make our Canadian institutions more consistent with the needs of our times.

TIMETABLE

During the early months of the life of the Task Force, the emphasis will be on listening. We intend to visit centers in all the Canadian provinces to discuss the issues, face to face, with the public. In this way, we will acquire a greater sensitivity to the current opinions and feelings of Canadians. Concurrently, the staff of the Task Force will be studying and analyzing the key issues in the unity debate in order to prepare background papers on some major aspects of our current problems and the range of possible improvements which might be made.

During the second phase of the Task Force's work the emphasis will be on study and consultation with specialists. The Task Force and its staff will discuss the issues in an attempt to assemble concepts and policies which will provide Canadians with some new directions. Concurrently with this period of study, the Task Force intends to publish information papers on important issues for the Canadian people outlining the options which are available.

During the third and final period of the Task Force's life, the Members plan to integrate their views and propose objectives and policies to the Government of Canada and to the Canadian people for their consideration.

The Task Force expects, in the months ahead, to make a contribution to a better understanding and resolution of our current problems. Where these problems are more perceived than real, we intend to promote understanding. Where they are more real than perceived, we intend to promote change.

And we earnestly ask for the understanding and support of our fellow citizens.

September 1, 1977.

THE PETERSON PORTFOLIO



“To identify our problems and to struggle with them is an important part of their solution. The Task Force is helping ordinary Canadians to do that: who knows what good may come from this process as we talk with one another about our unusual and fascinating country, our nation ‘pas comme les autres’? I wish you the wisdom of Solomon, the patience of Job — and the grace and comfort of the Holy Spirit.”

(in Charlottetown)

“If it hadn’t been for November 15, 1976, there certainly wouldn’t have been a Pepin-Robarts Task Force, which proves that this monster created by Ottawa stands only for deceit, double-dealing, underhandedness and hypocrisy. The best proof of this is that from the very beginning any recommendations for Quebec’s independence were completely ruled out. This means that as far as Quebec is concerned, your Task Force is totally useless. Behind your enigmatic and anxious smiles, I can feel Ottawa’s armed forces and the really pathetic RCMP. I would really like to be able to show you up and in one fell swoop.”

(in Montreal)

“As a citizen of Canada, I appreciate very much the opportunity to express my opinions at a public forum such as this. I think it’s something that perhaps should be done a little more often to give us a chance to express our views.”

(in Edmonton)

“It’s a really evil joke, because what’s hiding behind it is a plot against the people of Quebec and against the whole Canadian population.”

(in Montreal)

“While I am generally a sceptic when it comes to royal commissions and inquiries, and have little hope that whatever I have said tonight will in any way change the political situation here, I felt that I had to grab this opportunity to have a voice from the north heard in the halls of Parliament.”

(in the Yukon)

“We believe that the primary role of this Task Force and of the Liberal government in general, is to drive the wedge deeper between French and English working people, using the myth of ethnic nationalism to obscure that fact that recent events in Quebec are reflecting in large measure a class struggle.”

(Quebec Education and Defence Committee, in Vancouver)

“Originally I came here not to speak but to listen. I came here to listen to the mood of our country, as represented here, and of my city and of my province.”

(in Montreal)

“To deny the right of self-determination to the people of Quebec . . . to deny the equality of the minorities and the equality of the languages of this country: that’s basically the work of the Task Force. But the workers and the Canadian people are well aware that it’s all just a big show like the ones we were treated to on the first of July and on the 25th anniversary of the CBC.”

(in Montreal)

Appendix C

“I believe that the Task Force will take back an impartial message. . . . I believe it is an impartial organization.”

(in Vancouver)

“I feel that the Task Force in itself is a means of perpetuating a phony issue. It keeps this non-issue before the public. The only issue that can be said to divide this country is economics.”

(in Toronto)

“Standing here before a task force such as this one, which has been much criticized, I, for one, cannot but feel pride in giving my point of view and I can also feel proud listening to those who oppose it state why they disagree. That, to me, is simply what true democracy is all about and probably provides us with the best possible example of the democratic process.”

(in Montreal)

“... a planned diversion for the Canadian people, a mechanism whereby the federal government can appear to be doing something, while continuing to ignore the basic problems that led to the present situation in Quebec.”

(Saskatchewan Federation of Labour, in Regina)

“I hope I haven't taken up too much of your time but, as you see, I'm on crutches. I made a special effort to get here because Canada means a lot to me.”

(in St. John's)

“... for the fraud that the hearings really are. . . . nothing but a hoax. They haven't been organized to deal with any of the very real problems which we have to face, problems such as inflation, rising prices and our increasing impoverishment as workers.”

(in Toronto)

“My prayer, in closing, is that I hope this Task Force will keep up the good work and try to get the message — a message of goodwill — past the demagogues and past the sneaky politicians' fight, and right into the homes of our good neighbours who live in Quebec.”

(in Toronto)

“Quite obviously the whole purpose of this is to provide a forum for the build-up of a campaign of hysteria against the Québécois.”

(in Toronto)

“I feel very lonely up here because I don't belong to any particular group. I'm a worker. I pay my taxes so we can have this kind of thing but I think it's worth it.”

(in Toronto)

“The Canadian government only set up this Task Force in order to make it look as if they really care about the interests of Quebecers and Canadians in general.”

(in Toronto)

“I feel that the Task Force on Canadian Unity is a good idea. I just hope it's not too late.”

(in Vancouver)

“This Task Force is but another cog in the enormous propaganda machine set up by the Canadian bourgeoisie to deny the Quebec nation the right to self-determination.”

(in Montreal)

“Next, I'd like to join the many who have already expressed their recognition of the courage and self-sacrifice — and it sounds a little trite, it sounds like flattery, I suppose — to the members of the Task Force who have . . . submitted themselves to public abuse for the purpose of trying to sort out some of our nation's problems.”

(in Vancouver)

“This Task Force is just a smokescreen, a lot of humbug to make a shaky Confederation look good.”

(in Montreal)

“I do put a lot of trust in your Task Force but I can't help but wonder whether, since it has been set up, formed and is being paid for by the federal government, it can objectively and honestly study the situation. Is the purpose of the Task Force to keep Quebec within Confederation at any cost, or is it to analyze the situation without bias and to ask whether separation might not be a better solution, for all Canadians, than a conflictual situation such as that we now have. Couldn't we live in harmony as neighbours in the same way that English and French can live side by side right here in the province of Quebec?”

(in Quebec City)

“The Robarts Task Force, as I see it, is the carrot and then the stick, that's Benson and his army. It's like the two sides of the same coin, first the carrot and then the stick.”

(in Montreal)

“Two minutes is rather short but I would still like to use fifteen seconds of it to say, on behalf of most of the people here, how extremely grateful we all are to the members of this committee, of this Task Force, for the great patience, dignity and courage they have shown ever since this inquiry began.”

(in Montreal)

“Why is it that people have so little faith in these great saviours of national unity, who have this lofty ideal of saving the country? I think it's quite clear that the people see these 'guys' for what they are: moneybag billionaires, sell-out labour aristocrats, some professional prostitute, and some hireling scribbler. If I've forgotten somebody, I'm sorry. They see that this gang has no interest whatsoever in the real unity of the Canadian people, they have an interest in fermenting disunity in the service of one section of the ruling class in Canada — the section headed by Trudeau which is waging a dog fight against another section of the rich, headed by Lévesque.”

(in Montreal)

“I would like to thank the Pepin-Robarts Task Force for allowing the people to express their point of view. If all that was said — all the ideas presented are to remain a dead letter issue, then this will all have been but for naught. However, if, on the contrary, each one of us gains understanding and dispels the mist that lies before his eyes, then we will have contributed to the unity of Canada.”

(in Montreal)

Appendix C

“You think you are doing some good, but your are not. Who listens? Who really listens? You think you do, but nothing will come of it. Nothing will.”

(in Toronto)

“The purpose of this Task Force will certainly help to promote understanding and we, as students, hope to see much more of the same in the future.”

(in Calgary)

“Why aren't those who have the power to change the situation that creates a disturbance here instead of you? Perhaps they have decided to enjoy their Parliament Hill cocktail parties.”

(in Vancouver)

“The main benefit of your Task Force will be to have allowed the greatest possible number of Canadians to express themselves on this question of Canadian unity and to have contributed, we hope, to making the public more aware of the need for basic changes in Confederation as it now stands.”

(in Moncton)

“You know, what's happening is that the Liberal government has an election coming up and it's a good chance to campaign on national unity, which is the hot issue right now. But . . . solving unemployment, runaway inflation and the lack of human rights in this country — that is what's going to keep this country together, nothing else.”

(in Vancouver)

“I came here today to participate in this Task Force [hearing] because as far as I'm concerned it's the first worthwhile attempt made by the federal government to unite Canada since they built the railroad to link the Atlantic to the Pacific.”

(in Moncton)

“I had reservations about participating in this show but, after having been told by the media that our economic problem is the results of my living too high off the hog, and the Quebec problem is the result of my not learning French, I come to seek out the real culprits of our malaise.”

(in Winnipeg)

“I would like you to say to all those individuals who get up here and suggest solutions to the Task Force that they should go back into the community, join a political party and help make the political system work.”

(in Calgary)

“I'm here tonight and this whole thing strikes me as a bit of 'Billy Graham preaching' and I'm wondering about any report produced by the panel in front of us. Will you express any dissenting opinions? I seriously doubt that. Mr. Pepin, you're a Liberal, your party is Trudeauist. I seriously doubt you're going to print any dissenting opinions and the same goes for the rest of the panel.”

(in Vancouver)

Appendix C

“For any person to be asked to come to a meeting and take three minutes, or five minutes, or seven minutes and summarize even one rational, intelligent idea that will help the federal government, is a direct insult and a fraud. We resent it very much but it is typical of Ottawa.”

(in Winnipeg)

“The Canada-Quebec issues have existed for almost 110 years and if, at last, the federal government wants to hear what the public really thinks about it, it should have arranged to conduct a proper inquiry, an inquiry of the status and calibre of the Berger Inquiry, instead of a series of rallies across the country.”

(in Winnipeg)

“By scheduling only one evening for the public in Winnipeg and only five minutes for each participant, and now only three — in my opinion you have come close to reducing the inquiry to the [level of] the theatre of the absurd.”

(in Winnipeg)

“We have a government which deals with a separatist threat by sending sixty highly paid people, living in luxury hotels, on a tour of Canada, to see how much the average citizen can say in five minutes.”

(in Winnipeg)

“It's my money and that of Quebecers that's paying for this evening and I don't like this kind of joke; it may be amusing but it's expensive.”

(in Toronto)

Appendix D Individuals and groups presenting briefs

Calgary

Alberta Ballet Company
Alberta Union of Provincial
Employees, The
Alberta Youth Project, The
American Indian Movement, The
Association of Professional Engineers,
Geologists and Geophysicists
of Alberta, The
Bercuson, David J.
Calgary Chamber of Commerce
Calgary City Committee of the Communist
Party of Canada
Calgary Inter-Faith Community Action
Committee
Calgary Performing Arts Council
Canadian Bar Association – Alberta
Branch
Canadian Cattlemen's Association
Canadian Economics Association,
University of New Brunswick
Canadian Parents for French – Alberta
Branch
Canadian Petroleum Association
Carbert, Blair
Chetner, Don
David, Edgar H.
Dominion of Canada Party
Elton, David K.
Ernest Manning High School
Ferguson, Edward
Fitzpatrick
Gibbins, Roger
Goodhart, Rupert
Harris, Alfred L.
Hawley, Dorothy
John G. Diefenbaker High School
Kinley, Heather
Local Council of Women
MacKinnon, Frank
Martini, Catherine
McDonald, Patrick N.
Moon, Robert
Mowers, Cleo W.
Owen, Gary A.S.
Owen, Joan A.
Parsons, R.A.
Rasporich, A.W.
Roome, Patricia A.
Sarcee Indian Reserve
Scout, Warner

Seastone, D.A.
Sharma, Prabhat
Shirt, Eric
Shore, Michael
Sir Alexander of Tunis, Unit 2 – Army,
Navy and Air Force Veterans in Canada
Société franco-canadienne de Calgary (La)
Some Students from the University of
Calgary
Stamp, Robert M.
Stoney Coalition for Indian Justice, The
Stoney Indian Tribe, (the Wesley Band)
Truswell, J.L.
Truswell, R.J.
United Calgary Chinese Association
Warren, Janet
Williams, M.M.
Willison, Gladys A.
Wood, Norris L.

Charlottetown

Alliance for the Preservation of English in
Canada
Campbell, Alex B. – former premier of
Prince Edward Island
Canadian Home & School & Parent-
Teachers' Federation
Charlottetown Christian Council
Charlottetown Rotary Club
Cowan, Keith
Diocesan Church Society of Prince Edward
Island
Driscoll, Frederick
Federated Women's Institute of Prince
Edward Island, The
Greater Charlottetown Area Chamber of
Commerce, The
Greater Summerside Chamber of
Commerce, The
Ozmon, Kenneth L.
Prince Edward Island Branch of the
Commonwealth Society
Prince Edward Island Council of the Arts
Prince Edward Island Council of the Law
Society
Prince Edward Island Federation of
Agriculture
Prince Edward Island Federation of
Municipalities
Prince Edward Island Human Rights
Commission

Appendix D

Prince Edward Island Multicultural Council, The
Prince Edward Island Public Service Association, Inc.
Prince Edward Island Travel Industry Association
Rural Development Council of Prince Edward Island, The
Société des Acadiens de l'Île du Prince-Edouard: La Société Saint-Thomas d'Aquin (La)
Spira, Dr. Thomas
Students' Course Union and Faculty of the Department of Political Science, University of Prince Edward Island
Vincent, Ronald

Edmonton

Alberta Catholic School Trustees' Association, The
Alberta Federation of Labour
Alberta Status of Women Action Committee, The
Alberta Urban Municipalities Association
Association canadienne-française de l'Alberta, (L')
Association of Independent Schools & Colleges in Alberta
Byrne, T.C.
Canada West Foundation
Canadian Bar Association – Alberta Constitutional and International Law Subsection
Canadian Education Content Committee of the Unified Canada Movement
Canadian Parents for French
Canadian Studies Committee, University of Alberta
Card, B.Y.
Chambers, E.J. and Dunn, M.J.
Cruse, Don
Davy, Grant R.
Edmonton & District Council of Churches
Edmonton Catholic School Board, The
Edmonton Public School Board, The
Fossum, Lynn S.
Francophonie Jeunesse
Gendron, Jacques R.
Grant MacEwan Community College
Harries, Hu
Horton, E.R. Ted
Hunter, Bruce

Hurtig, Mel
Indian Association of Alberta
Jenson, Paul Andrew
Kilgour, David
Knutson, E.S.
Lavers, J.F.
Métis Association of Alberta
Parents' Advisory Council, The
Pickett, John L. Jack
Skirrow, Stan
Students' Union/External Affairs board
Ukrainian Bilingual Association
Ukrainian Canadian Committee, Edmonton branch
Visitation Crusade Incorporated
Weinlos, Morris, M.D., Western National Association
Williamson, David T.

Halifax

Acadiens du Cap-Breton (Les)
Atlantic Institute of Education
Atlantic Provinces Economic Council
Black Educators' Association
Black United Front of Nova Scotia
Braybrooke, David
Canadian Seafood & Allied Workers' Union
Cheong, George
Chinese Society of Nova Scotia, The
Clarke, Rick
Committee of Dalhousie Law Students
Fédération Acadienne de la Nouvelle-Écosse (La)
Goldbloom, Richard
Greek Community of Halifax
Halifax Board of Trade
Halifax Grammar School
Hankey, W.J.
Hicks, Senator Henry
Holmes, Jeffrey
Italo-Canadian Cultural Association of Halifax-Dartmouth
Jeunes Acadiens en Marche
Johnson, Joseph W.
Kirby, Tory
Lunenburg County Ratepayers Association
Lunenburg Junior-Senior High School
MacCormack, John R.
Mancini, Peter
McFadyen, Fraser

Micmac Association of Cultural Studies
 Nova Scotia Association for the
 Advancement of Coloured People
 Nova Scotia Command of the Royal
 Canadian Legion, The
 Nova Scotia Federation of Labour
 Nova Scotia Legal Community, The
 Nova Scotia Teachers Union, The
 Prince Andrew High School
 Queen Elizabeth High School Students
 Schmidt, W.
 Smith, Senator G.I.
 Sydney Academy
 Université Sainte-Anne
 Warrington, M.G.
 West Kings District High School
 Winter, Ralph
 Women's Institutes of Nova Scotia

Hull

Addison, Brad
 Hodgson, Ralph
 Mouvement Québec-Canada – Section
 Aylmer – (L')
 Mouvement Québec-Canada, Sections de
 Hull et de la Basse-Gatineau (Le)
 Noël, Simon
 Servant, Jacques D.

Moncton

Acadian Commandery of the Military and
 Hospitaller Order of St. Lazarus of
 Jerusalem, The
 Activités-Jeunesse
 Anderson, John M.
 Association des enseignants francophones
 du Nouveau Brunswick
 Association générale des étudiants du
 centre universitaire Saint-Louis
 Maillet (L')
 Assomption compagnie mutuelle
 d'assurance-vie
 Atlantic Community Newspapers
 Association
 Atlantic Provinces Chamber of Commerce
 Atlantic Provinces Economic Council, The
 Belliveau, John Edward
 Canadian Parents for French
 Chiasson, Donat
 Citizens of the Greater Moncton Area in
 Collaboration with the Department of

Social Action of the Anglican Diocese of
 Fredericton
 Conseil de promotion et de diffusion de la
 culture (Le)
 Conseil des États généraux de
 l'Acadie (Le)
 Dominion of Canada English-Speaking
 Association
 Duguay, Henri-Eugène
 Étudiants de l'École polyvalente Clément-
 Cormier (Les)
 Fédération des associations foyer-école
 du Nouveau-Brunswick Ltée
 Fédération des caisses populaires
 acadiennes limitée (La)
 Fédération des dames d'Acadie (La)
 Forum Association of New Brunswick, The
 Fredericton Chamber of Commerce
 Gayne, John H.
 Greater Moncton Chamber of
 Commerce, The
 Grogner, Frédéric
 Grossman, Edward
 Hatfield, Richard – premier of New
 Brunswick
 Identica Inc.
 Institut de Memramcook (L')
 Israeli, Julius
 Jones, Leonard, MP
 Leblanc, Louis-Félix
 Lynch, Nelson G.
 Multiculturalism Association of Fredericton
 New Brunswick Association of Metis and
 Non-Status Indians, The
 New Brunswick Federation of Labour
 New Brunswick Human Rights
 Commission
 New Brunswick Industrial Developers
 Association, Inc.
 New Brunswick Teachers' Association
 New Brunswick Telephone Company, Ltd.
 Parti Acadien
 Richelieu-Moncton, The
 St. John Board of Trade
 Savoie, Fernand
 Société des acadiens du Nouveau
 Brunswick (La)
 Students of History 121 at Fredericton
 High School
 Students of Political Science 1-2000, Sec.
 1, University of New Brunswick
 Students of Saint John High School

Union coopérative acadienne (L')
 Union of New Brunswick Indians
 Université de Moncton
 Young Women's Christian Association

Montreal

Alcan Aluminium Limitée (L')
 Allaire, Yvan
 Allard, Robert
 Anglican Church of Canada, The
 Arnopoulos, Sheila
 Association du camionnage du Québec
 Inc. (L')
 Association féminine d'éducation et
 d'action sociale – Fédération Montréal
 – St-Jerome – Outaouais (L')
 Bishop, John
 Bishop, Martha
 Bishop's University
 Black Community Central Administration
 Brooker, W.M.A.
 Brosseau, Gérard
 Business Linguistic Centre
 Central des syndicats démocratiques (La)
 Centre des dirigeants d'entreprise
 Chénier, Joseph A.
 Chambre de Commerce de la province du
 Québec (La)
 Comité "Canada Republique"
 Ciaccia, John, MP
 Comité pour le gouvernement
 communautaire
 Commission Jeunesse du PLC de Laval-
 des-Rapides
 Committee for Community Government
 Commitment Canada/Engagement
 Canada
 Comité de l'unité canadienne de l'Ordre
 Militaire et Hospitalier de St-Lazare de
 Jérusalem
 Communist Party of Quebec
 Concordia University
 Conférence des évêques catholiques du
 Canada
 Congrès national des Italo-Canadiens –
 région Québec
 Conseil de la coopération du Québec (Le)
 Conseil des Hommes d'affaires
 Québécois (Le)
 Conseil du Civisme de Montréal (Le)
 Consolidated-Bathurst Ltd.

Council for Canadian Unity – Quebec
 Section – The
 Décary, Robert
 Decision Canada
 De Grandpré, A.J.
 Deyasi, Ajoy
 Dor, Georges
 Dufour, Benoît
 Dydzak, Joseph John
 Eastern Township Citizen Association
 École des hautes études commerciales
 Federation of Ethnic Groups of
 Quebec, Inc.
 Fédération des syndicats du secteur
 aluminium Inc.
 Fédération italienne des travailleurs
 émigrés et familles (La)
 Finestone, Bernard, J.
 Fontaine, Jean-Marc
 Gaucher, Michel
 Gaudreau, Maurice
 Grand conseil de la nation Huronne (Le)
 Groupement québécois
 d'entreprises Inc. (Le)
 Impact Quebec
 Inuit of Quebec, The
 Institut politique de Trois-Rivières (L')
 Jacomy-Millette, Anne-Marie
 King, Paul-Francis Michel
 Lacasse, Jean-Paul
 Lamarche, Gustave
 LaSalle, Roch, MP
 Latouche, Daniel
 Laurin, Jean
 Ledoux, Gérard
 Legault, Fortunat
 Les amis de Chénier
 Liaison Group
 Martucci, Jean
 McGill University
 McKinnon, K.K.
 Melançon, Jacques
 Montreal Board of Trade
 Montreal Council of Women, The
 Mouvement Réformiste Social
 New Democratic Party – Quebec
 Paquette, Gilles
 Parent, Guy G.
 Parti de libération du Québec (Le)
 Participation Quebec
 Patenaude, Pierre

Appendix D

Pépin, Gilles
Perron, Roselyne
Pinard, Maurice
Poissant, C.A.
Positive Action Committee, The
Protestant School Board of Greater Montreal, The
Productions Modula Son Enr. (Les)
Proulx, Gilles
Provincial Association of Catholic Teachers
Provincial Association of Protestant Teachers
Provincial Council of University Women's Clubs
Quebec Committee for Language Regions, The
Quebec Federation of Home & School Associations
Quebec Provincial Command of the Royal Canadian Legion
Quebec Physiatrists Association
Roback, Gordon
Roberts, Leslie
Roy, Lucille
Rumilly, Robert
Ryerson, Stanley-Bréhaut
St. Huberts's Base Teachers' Association, The
Sauvé, René Marcel
Sciascia, Antonio
Scott, Stephen
Société nationale populaire du Québec (La)
Tellier, Luc-Normand
Tisseyre, Pierre
Thompson, Dale C.
Trépanier, Paul-O. — mayor of Granby
Tremblay, André
Vallée, Louis Léonce
Vennat, Manon
Vennat, Michel
Whitley, Barbara

Ottawa

Air Canada
All About Us Canada Inc.
Alliance for Bilingualism
Association of Canadian Community Colleges
Association canadienne d'éducation de langue française

Association of Universities and Colleges of Canada, The
Bilingual Exchange Secretariat, The
Business Council on National Issues, The
Canada Council, The
Canada Studies Foundation, The
Canadian Association for Adult Education
Canadian Association of Broadcasters, The
Canadian Bankers' Association, The
Canadian Broadcasting Corporation
Canadian Chamber of Commerce, The
Canadian Community Newspaper Association, The
Canadian Conference of the Arts
Canadian Council of Christians and Jews
Canadian Hostelling Association
Canadian Human Rights Commission
Canadian Manufacturers' Association, The
Canadian Museums' Association
Canadian National
Canadian Pacific Ltd.
Canadian Parents for French (National Organization)
Canadian School Trustees' Association, The
Canadian Teachers' Federation, The
Committee for a New Constitution, The — Steering Committee
Council of Canadian Filmmakers, The
Education Canada
Fédération des francophones hors Québec (La)
Fédération des jeunes Canadiens-Français
Federation of Canadian Municipalities
Forsey, Senator Eugene
Forum Association
Goldenberg, Senator H. Carl
Group of Concerned Quebec Labour Officials
Heritage Canada
Inuit Tapirisat of Canada
Investment Dealers Association of Canada
Lamontagne, Senator Maurice
Loyal Orange Association of Canada
National Council of Jewish Women of Canada
National Council of YMCAs of Canada, The
National Film Board, The
National Indian Brotherhood

Naional Union of Students
 National Voluntary Organizations
 Native Council of Canada
 Pépin, Marcel
Presse (La)
 Royal Canadian Legion, The
 Telemedia Communications Ltd. & T.V.
 Guide Ltd./Ltée
 Toronto *Star*, The
 Travel Industry Association of
 Canada, The
 Via Rail Canada Inc.
 Yuzk, Senator Paul

Quebec City

Boivin, Florian
 Dion, Gérard
 Dion, Léon
 Fortin, Pierre
 Lemieux, Vincent
 Lortie, Roland
 Parti libéral du Québec
 Parti national populaire
 Ralliement créditiste du Québec
 Union nationale (L')

Regina

Adams, Susan
 Advisory Committee for the Bilingual
 Centre
 Archer, John H.
 Association culturelle Franco-Canadienne
 de la Saskatchewan (L')
 Association des commissaires d'écoles
 Franco-Canadiens de la
 Saskatchewan (L')
 Association jeunesse Fransaskoise de la
 Saskatchewan (L')
 Association of Metis and Non-status
 Indians of Saskatchewan
 Association of United Ukrainian Canadians
 of Saskatchewan
 Belcher, Margaret
 Blakeney, Allan, premier of Saskatchewan
 Canadian Federation France-Canada, The
 Canadian Federation of University
 Women, The
 Central Collegiate Students
 College Mathieu, The Corporation
 & Staff of

College Mathieu, The Executive
 Committee of the Corporation of
 Collver, Dick
 Ecoles désignées de Gravelbourg et le
 cercle local de l'association culturelle
 Franco-Canadienne (Les)
 Evangelical Ministers Fellowship
 Federation of Saskatchewan Indians
 Genuist, Paul
 Herle, Wendelin A.
 Holle, Erich
 Keyes, Thomas E.
 Kindrachuk, Mike
 LaMontagne, Mrs. Marlene
 MacLeod, Brian
 Malone, Ted (leader of the Liberal party of
 Saskatchewan)
 Massey School Bilingual Programme –
 Parents' Association
 Monarchist League of Canada, The
 Petrucka, Pamela M.
 Petry, Lucien A.
 Prendergast, Monica
 Rainey, B.E.
 Regina Board of Education
 Regina Chamber of Commerce
 Regina Council of Women
 Richert, Keith M.
 Royal Canadian Legion – Saskatchewan
 Command
 Royal Society of St. George, The – Regina
 Branch
 Saskatchewan Association of Rural
 Municipalities
 Saskatchewan Chamber of
 Commerce, The
 Saskatchewan Federation of Agriculture
 Saskatchewan Federation of Labour, The
 Saskatchewan Urban Municipalities
 Association
 Saskatchewan Women's Institutes
 Scott, Len & Jackie
 Shaw, Don E.
 Shumiatcher, Morris
 St. Nicholas Roumanian Orthodox Youth
 Straile, Inge
 Students of Martin Collegiate Institute
 Swift Current Public School District No.
 167
 Szekely, Robert
 Taylor, H.E., – mayor of Moose Jaw
 Toombs, Wil

Ukrainian Canadian Committee, Regina
branch
Wilhelm, Christopher
Williams, C.M.

St. John's

Alexander, David
Apache International Corporation
Baird, Ian
Blackwood, Paul
Canadian Federation of University Women,
Committee of the St. John's Club
Clark, Roger
Cole, Harvey W.
Corner Brook Status of Women Council
Crapaud, H.
Davis, Sally
Earl, Fred
Fédération des francophones de Terre-
Neuve et du Labrador
Harbour Grace Board of Trade
Harrington, Michael
Harris, Elmer
Lewisporte Chamber of Commerce
Liberal Party of Newfoundland and
Labrador
McGrath, R.T.
Murphy, Gérard
Nesbitt, Doug
New Democratic Party of Newfoundland &
Labrador
Newfoundland & Labrador Federation of
Community Youth Councils
Newfoundland & Labrador Federation of
Municipalities
Newfoundland and Labrador Federation of
Labour
Newfoundland and Labrador Rural
Development Council
Newfoundland Association for Full
Employment
Newfoundland Medical Association
Newfoundland Teachers' Association
Paddock, Harold
Pennell, Cathy
Plaskin, Bob
Progressive Conservative Party of
Newfoundland and Labrador
Puxley, David
Roman Catholic School Board for St.
John's, The

Royal Canadian Legion — Newfoundland &
Labrador Command
Sheppard, Howard
St. John's Board of Trade
Story, George
Whalen, Hugh

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Amprimoz, Alexandre L.
Ashley, Brad
Association Canadienne-française de
l'Ontario (L')
Association des enseignants Franco-
Ontariens (L')
Association française de London
Association française des conseils
scolaires de l'Ontario (L')
Association of Canadian Television and
Radio Artists
Association of Franco-Ontarian Youth
Association of United Ukrainian Canadians
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Atta, Paul
Bank of Nova Scotia
Bénéteau, Aurèle R.
Berman, Joseph
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Black Liaison Committee
Black Resources and Information Centre
Board of Education for the Borough of
Scarborough, The
Board of Trade of Metropolitan
Toronto, The
Bousquet, Jacques J.
Cana-Kits
Canadian Arab Friendship Society of
Toronto, The
Canadian Association for Adult Education
Canadian Association in Support of the
Native Peoples, The — Toronto chapter
Canadian Federation of University
Women, The
Canadian Parents for French — Ontario
Canadian Pensioners Concerned Inc. —
Ontario Division
Canadian Polish Congress, Inc.
Canadian Polish Research Institute, The
Canadian Soft Drink Association
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- Chartier, Yves
- Chasse Galerie (La)
- Choquette, Robert
- Clackett, B., Mr. and Mrs.
- Collège Universitaire de Hearst (Le)
- Collier, Margaret
- Comité d'action francophone
- Commitment Canada/Engagement Canada
- Committee for A New Constitution, The – Steering Committee
- Conseil de la vie française en Amérique (Le)
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- Corporation of the City of Sault Ste. Marie, The
- Corporation of the City of Sudbury
- Corporation of the Town of Kapuskasing, The
- Corporation of the Town of Whitby, The
- Council for Franco-Ontarian Affairs
- Council of Ontario Universities
- Crown Life Insurance Company
- Curtis, Bert E.
- Daschko, Alex
- Davis, William G., premier of Ontario
- Dennie, Donald
- Dionne, Martin
- Downtown Business Council of Toronto
- Drake International
- Ecole Georges Vanier
- Ecole secondaire Charlebois – Comité d'action française
- Ecole secondaire La Citadelle
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- Estonian Federation of Canada
- Federation of Catholic Education Associations of Ontario
- Federation of Chinese Canadian Professionals – Ontario
- Federation of French Canadian Women, The
- Federation of Unity and Related Groups of Ontario, The
- Francophone Action Committee
- German-Canadian Club Harmony
- Godbout, Arthur
- Godfrey, Paul V.
- Groupe d'action pour la bilinguisation des cours de justice à Sudbury
- Guay, Réjeanne
- Guindon, Roger
- Gulf Oil Canada Limited
- Hancock, Sydney
- Hewlitt, Alex
- Holloway, Peg
- Institute of Chartered Accountants of Ontario, The
- Isabelle, Laurent
- Kenora, Town of
- Labour Council of Metropolitan Toronto
- Landis, G.B.
- Larabie, Pauline
- Lawrence, William
- Leury, Madeleine
- Levy, Herbert S.
- Lithuanian Canadian Community
- Living and Learning in Retirement – Glendon College
- Llanos, Marc A.
- London, City of
- Lortie, Roland
- Mandel, Eli
- Masaryk Memorial Institute
- McFadden, Fred
- Morse, Jerry
- Movement for Canadian Literacy
- Multicultural Centre Association of Toronto
- Multicultural Council of Windsor & Essex County
- Murray, Donna
- National Congress of Italian Canadians
- Native Canadian Centre of Toronto, The
- Non-partisan Committee for Canadian Unity Through Diversity
- Norcia, Vincent di
- Ontario Advisory Council on Multiculturalism
- Ontario Chamber of Commerce
- Ontario Federation of Agriculture
- Ontario Federation of Labour
- Ontario Fruit and Vegetable Growers' Association
- Ontario Métis and Non-status Indian Association, The
- Ontario New Democrats, NDP
- Ottawa Herald
- Ottawa-Carleton, Regional Municipality of
- Pellerin, Charles

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Pelletier, Pierre
Perron, Roselyne
Plourde, J.A. — archbishop of Ottawa
Queen's University
Quilan, Don
Ready Mixed Concrete Association of
Ontario
Richard, Andrew
Richelieu Club — Toronto
Richer, Paulette E.
Ritchie, Ronald S.
Second Mile Club, The — Toronto
Selinger, Alphonse D.
Shanahan, Patricia
Sheridan College
Shuman, J.R.
Smith, Penny
Smith, Stuart — leader of the Ontario
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St-Cyr, Micheline
St-Georges Society of Toronto, The
Sudbury Regional Multicultural Centre
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Ukrainian Canadian Committee — Ottawa
Branch
Ukrainian Canadian Committee — Toronto
Branch
Ukrainian Canadian Magazine
Ukrainian Professional and Business Club
of Toronto
United Automobile Workers
United Senior Citizens of Ontario, The
United Steelworkers of America
University of Ottawa
University Women's Club of North
York, The
Urban Development Institute of Canada
Weatherill, J.F.W.
Whitley, Harold
Windsor, City of

Vancouver

Ablett, David
Adair, Brent
Alliance, The
Apedaile, W.M.
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B.C. Interfaith Citizenship Council, The

B.C. Provincial Committee of the
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Barrigar, Robert H.
Beck, Dr. Douglas
Bennett, Robert W.
Bennett, Premier William
Board of School Trustees of School
District 39, The (Vancouver)
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British Columbia Human Rights
Council, The
Brotherhood of B.C. Indians
Canada United/Canada Uni
Canadian Hostelling Association — B.C.
Region
Canadian Parents for French, B.C. Chapter
Canadian Protestant League
Catholic School Trustees' Association
(B.C.)
Centre culturel colombien
Chénier, Chard
Chief Maquinna Parent Committee
Chinese Core Working Group, Sexsmith
Community school
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Committee for Western Independence
Committee of Delta University Women's
Club
Conseil de la coopération de la Colombie-
Britannique
Concerned Canadians Group
Concerned Group of West Coast
Canadians, A
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Vancouver, The
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Eldensleur, W.
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Vancouver, The
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Fédération Jeunesse Colombienne (La)
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Henderson, Bertha
Hollin, Ray
Humphreys, Derrick
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Information Department of the Canadian
Esperanto Association
Inter-Cultural Association of Greater
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Kehoe, John
Killeen, Jim
Lawton, Dean and Liden, David
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Lougheed Town Community Association
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MacDonald, Don
MacPherson, James C.
Mains, Geoffrey
Manley-Casimir, Michael E.
McAllister, Kenneth
McNicoll, André
McNulty, Jean
McWhinney, Edward
Moore, Nina
Pearce, Marnee
Postma, John F.
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Quebec Educational and Defence
Committee
Retail Merchants Association of Canada –
B.C. Division
Roman Catholic Bishops of B.C.
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Sara, Harkirpal Singh
Save Canada Committee
Scott, John S.
Seved, James
Seymour, I.R.
Shepard, Merrill W.
Southin, C.
Southwood, H.T.
St. Andrew's-Wesley Church
St. Pierre, Paul
Stark, Marvin N.
Stead, Gordon W.
Stott, Adrian

Till, Ken
Totemland Warrior Society
Union of British Columbia Municipalities
United Church of Canada, The
University Hill Elementary School – Grade
7 Students
University Women's Club of
Vancouver, The
Vancouver Board of Trade, The
Vancouver Centre New Democratic Party
Federal Riding Association
Vancouver Citizenship Council
Vancouver Multicultural Society of B.C.
Waverley School Consultative Committee
Weiler, Paul C.
Westerners for Canadian Unity
Wilen, Mitton
Wilson, Bill
Wilson, L.J.

Whitehorse

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Association of Yukon Municipalities
Atamanenko, Alex
Clegg, Mike
Council for Yukon Indians, The
Council of the Yukon Territory, The
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Gryba, Walter A.
Houlton, Michael John
Kiwanis Club of Whitehorse, The
Knights of Columbus
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Standing Committee on Constitutional
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Whitehorse Chamber of Commerce
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Yukon Hostelling Association, The
Yukon Native Brotherhood
Yukon Visitors Association

Winnipeg

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Brown, Harold W.
Canada West Foundation

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Citizenship Council of Manitoba
Conseil jeunesse provincial
Diploma Agricultural Graduates Association
Doyle, F.P.
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Federal Liberal party of Manitoba
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Government of Manitoba, The
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Hosteling Association of Manitoba
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Manitoba Chambers of Commerce, The
Manitoba Environmental Council
Manitoba Farm Bureau
Manitoba Federation of Labour, The
Manitoba Indian Brotherhood
Manitoba Pool Elevators
Manitoba Teachers' Society, The
Manitoba Women's Institute
Paquette, Julie
Provincial Council of Women of Manitoba, The
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Robillard, Joan
Rothney, Gordon O.
Schreyer, Edward, leader of the New Democratic party
Société franco-Manitobaine

Templeton, C.H.
Thomson, Muriel B.
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Winnipeg Chamber of Commerce
Winnipeg Jewish Community Council

Yellowknife

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Athabaskan Language Steering Committee, Fort Simpson
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Collinson, Kelly
Commissioner of the Northwest Territories
Davies, Rob – Sir John Franklin High School
Emery, Sheila
Eskimo Point Inuit Cultural Institute
Irwin, Doug – Sir John Franklin High School
Korchuk, Nigel
Legislative Assembly of the Northwest Territories, The
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Mallon, S.T.
Native Communications Society of the western Northwest Territories
Northwest Teachers' Association
Northwest Territories Chamber of Mines
Northwest Territories Construction Association
NWT Teachers' Association, French Specialist's Council of
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Rotary Club of Yellowknife

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