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# **Standing Committee on Procedure and House Affairs**

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**EVIDENCE**

**Thursday, December 7, 2017**

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**Chair**

**The Honourable Larry Bagnell**



## Standing Committee on Procedure and House Affairs

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• (1200)

[English]

**The Chair (Hon. Larry Bagnell (Yukon, Lib.)):** We're going to start a minute early because we have such a great witness here.

Welcome to the 84th meeting of the Standing Committee on Procedure and House Affairs, as we continue to study the creation of an independent commissioner responsible for leaders' debates.

If it's okay I'd like to just pass our routine budget for our meals, witnesses, and so on, which was handed out. Does anyone have any objections to that? Anyone opposed?

Then it's carried. Thank you very much.

I'd like to welcome to the committee the esteemed Mr. Preston, the former chair of this committee. Welcome back, Mr. Preston.

We are pleased to be joined by Janet H. Brown, executive director of the United States Commission on Presidential Debates, who is appearing by video conference from Washington, D.C.

Thank you for participating in our study. I know the members of our committee have been anxiously awaiting your presentation, so we're really happy you're here today. You get to make some opening remarks, and then committee members get to ask questions.

The members will have seven minutes each to ask you questions and answers; the questions and the answers add up to the seven minutes.

Go ahead with your opening remarks, please.

**Ms. Janet Brown (Executive Director, Commission on Presidential Debates):** Good day to everyone there. Thank you for this opportunity. It's a great honour to be discussing this issue with all of you, and I hope this next hour will be a productive one. I have very brief opening thoughts to share, and then I look forward to having the greatest amount of time focused on the questions that are of concern to you.

The Commission on Presidential Debates is an independent, non-partisan, not-for-profit organization based here in Washington, D.C. It is governed by an 11-person board of directors. We have no ties to the federal government or to any political party or campaigns. We receive no public funding from the government or from party sources. We are not congressionally chartered. We look the way we do in large part because there are rules that are enforced by the Federal Election Commission that govern debate sponsorship during

the general election period, meaning the last two months after the nominating conventions.

One rule is that a debate sponsor needs to be either a media organization or a not-for-profit, which is what we are. If you are not, you then are in peril of violating campaign contribution laws. In either case—a media or a not-for-profit—you must have pre-published objective criteria to determine who will be invited to debate. Ours are generally issued one year before the debates. We were started in 1987, and we have both sponsored and produced all of the debates since then. Obviously, there are three very important, large constituencies when it comes to debates. One is the public. Two is the participants. Three is the media that both disseminate the signal and cover the debates.

The commission is here to represent the public. It is obviously a part of doing debates that you need to coordinate and work very carefully with the media, whether it's about selecting dates for the debates, or about their coverage. We work very closely with federal law enforcement. We work with the campaigns. Our main constituents are the public. If the debates do not educate the public and help them make an informed decision on the candidates, they have not succeeded.

All of our debates have been 90 minutes long. In the last four to five weeks of the general election period, they are carried without interruption, commercial or otherwise, by all of the major networks under what we refer to as the White House pool basis. I can comment on this if this is of interest, but essentially it means that the cameras that are in the debate hall are owned by one network. They are putting out a signal that is picked up and broadcast by any member of the pool. It can also be purchased by non-members of the pool for a reasonable fee.

The CPD selects the dates, the venues, the formats, and the moderators, and decides who will participate in the debates. We do not lobby, poll, represent candidates' positions on the issues, or work on any kind of effort that is designed to either encourage people to register or to get out and vote. We have a very narrow charter that was in the original documents filed with the District of Columbia to incorporate the commission in 1987. That really summarizes who we are, what we do, and the way we are organized. I would stop here and welcome your questions.

**The Chair:** Thank you very much. That's great.

It's great to have a model to listen to.

We'll first go to Ms. Tassi, for seven minutes of questions and answers.

**Ms. Filomena Tassi (Hamilton West—Ancaster—Dundas, Lib.):** Mr. Chair, please give me a signal when I've had about half my time, because I'm going to be sharing it with Ms. Sahota. That would be appreciated.

Thank you for your video testimony today.

Can you share with us how you think social media and online platforms can play a greater role in improving electors' access to debates?

• (1205)

**Ms. Janet Brown:** Social media essentially are media. They are commercial media companies. They have come onto the scene with a presence that has grown dramatically in the last few years. They play a significant role in engaging younger people in particular. One of the things we have tried to wrestle with, Ms. Tassi, is that in this country there has been an effort by social media to put themselves in a unique category that requires unique care and attention in terms of their ability to play a central role in the debates.

We believe there's no question that they should be accommodated in terms of space to be on site and covering debates. They clearly have significant capacity to bring to the discussion about issues that will be raised in the debates and leading up to the debates, and to have online discussions that would involve and engage people who otherwise may not find this interesting or accessible.

One needs to remember that at the end of the day, a debate-sponsoring organization is in the business of at least a couple of important things. One is securing the agreement of the candidates to participate. Without that, there are no debates. The second is focusing on formats that will create the most informative content that you can, and then saying to media companies of whatever variety, "Please cover this. Please engage your audiences in the lead-up to the debates. Please use this in any way that you believe will excite people about learning more about the candidates and the issues."

At least for a very small organization like we are, it's important to let the social media companies take the lead on how they can do that in the sphere they are present and thriving in.

**Ms. Filomena Tassi:** Further to that, what would you suggest or share with this committee with respect to the success of bringing all the parties together? Are there certain tips or advice you can give us in terms of ensuring that the partners are able to work together in getting information out to the public, that, for example, as many broadcasters are carrying it as possible, that there's buy-in, and that people are happy?

Can you share with us the structure of what you have set up, what you have learned from it, and the successes you've had in that?

**Ms. Janet Brown:** The media are inherently competitors. They all want each of us to come to their outlet to consume news, entertainment, or whatever kind of programming it is.

It has been very important for us to make sure that every member of the media, whether they are new or old, print or electronic, online or otherwise, knows that what we do can be trusted, that it is neutral, professionally produced, fair to all participants in a given debate, and that there is no thumb on the scale when it comes to selecting moderators or formats that may be seen as giving one participant or

another a leg up, an advantage. It is something that we work at very assiduously.

When we pick dates, for instance, we realize that we are going into a time of year that is particularly busy and important for networks. They are starting new programming, doing the baseball playoffs, and starting the football series.

I've learned a lot from reading all of the testimony by your previous witnesses. Clearly, whether it's hockey in Canada or the World Series here, those are very valuable time slots that you are asking commercial entities to give over to carrying a debate in real time. There are inevitably conflicts, and there will be times when you discover that a major television network has a contractual obligation that they cannot avoid. It is interesting that some of our highest viewership has occurred even when one of the major networks had to carry a baseball playoff game because they had that contract with Major League Baseball.

I think the bottom-line answer to your question is that it is extremely important to approach these media entities early to explain the process, to hear their concerns and input, to try to reconcile their concerns with decisions that are made about the debates, and to get key decisions made very early and announced early. We announced the dates and venues for the debates a year ahead of time because, to some extent, certainty helps in terms of all of these other entities doing planning.

Our teamwork with the networks is extremely important to us. In spite of what one of your witnesses who comes from that world said about our being a sham and a racket, I would hope that members of the White House television network pool would say that they think dealing with the commission is straight up and honest. There are no surprises. There are no secrets. We try to hear their concerns and to be as accommodating as it's possible to be.

In the United States anyway, there is no night that isn't someone's sacred cow, and you are going to run into nights that have big commercial value to the networks. That's just a fact, but that is one of the reasons why, in having networks serve as debate sponsors, there is an inherent conflict: they want to be profitable entities. They have the right to want that, but it means that when you're trying to sponsor a debate, there's an inherent conflict built into that.

• (1210)

**Ms. Filomena Tassi:** Okay. Thank you.

I'm sorry, but we've eaten up all the time, so we'll have Ms. Sahota in the next round.

**The Chair:** Okay. Thank you very much.

You can rest assured that we don't think you're a sham and a racket, or we wouldn't have you here today.

**Voices:** Oh, oh!

**The Chair:** Mr. Nater.

**Mr. John Nater (Perth—Wellington, CPC):** Thank you, Mr. Chair, and thank you, Ms. Brown, for joining us via video conference today. It's great to have your insights from south of the border.

I want to start with some of the more logistics-type issues of the commission. Obviously the commission's work would ramp up in an election year versus a non-election year. Does the commission have permanent staff outside of an election year? How would that compare to an election year in terms of the amount of staff the commission may have?

**Ms. Janet Brown:** You're looking at the permanent staff, Mr. Nater?

**Mr. John Nater:** Yes.

**Ms. Janet Brown:** At the moment, I have the great privilege of having an assistant that is running circles around me: we are it.

We will have a grand total of maybe five people in the office when we are at full strength, but we have an outside production staff that has roughly seven key leaders to it, starting with our executive producer. When their teams are put together, it's a production staff of roughly 65 people. They are all professionals in the area of television. They have their own companies. They do very high-stakes live TV, ranging from the opening of the Olympics to states of the union, summit conferences.

They come together to do our production and they're involved as need be, with increasing time devoted to this, obviously, as you get closer to the debates themselves. The commission has outside legal counsel, financial, and accounting, but it's a very small operation.

**Mr. John Nater:** Are the production staff affiliated at all with private broadcasters or are they independent of the private broadcasters?

**Ms. Janet Brown:** They are independent.

**Mr. John Nater:** Okay. Very good.

You mentioned that you receive no public funding for the work you do. What's the order of magnitude in terms of the cost of the commission during an election year, and where would that funding typically come from?

**Ms. Janet Brown:** Debate year to debate year, obviously, it goes up. There is a now a lot of security required, and it didn't used to be. In 2016 an individual debate cost just shy of \$2 million, which, as those of you who are television experts know, is extremely inexpensive television.

We raise our money from any sources that would be permitted for us as a not-for-profit organization under the Internal Revenue Service designation that we qualify for, so essentially our fundraising is done the same way that an educational or a religious entity would do it. We raise the money from foundations, corporations, and sometimes individuals, and the money for each debate itself... We have held almost all of them on college and university campuses, given the fact it's very consistent with the educational purpose of the debates. When we go to a campus, that campus is asked to raise the funds that their debate will cost. Those funds are paid to the commission and in return we pay all the bills.

The budget varies depending on how much money we can raise in an individual debate cycle. We like to have a cushion so that we're enabled to do some educational work and, increasingly, to do the inspiring work we're doing with a 32-member network of international debate organizations that are all NGOs, many from emerging democracies that want to start their own debate traditions, having watched the U.S.

• (1215)

**Mr. John Nater:** We understand that the memorandums of understanding, the contracts between the commission and the two parties, are typically not released to the public. How does the commission deal with requests to release those MOUs? What's the reasoning behind keeping those MOUs confidential?

**Ms. Janet Brown:** It's easy for us, Mr. Nater, because we in fact are not parties to the MOUs. That is a common misunderstanding. We have nothing to do with them. Quite often, the campaigns will do an MOU that addresses a variety of issues, including items such as what use can be made of debate footage, for example, can it be used in campaign ads or for other uses?

The commission has never been a party to those agreements and never will be. It is entirely up to the campaigns as to whether they choose to release the MOU. I think that in some cases they don't want to release it because some of the provisions look a little bit less than monumental in their scale of concern given the importance of this election contest.

**Mr. John Nater:** You mentioned in your opening comments as well that there's an 11-member board of directors at the commission. Would you be able to share with us how those members are appointed and who is typically sought to fill that 11-person board?

**Ms. Janet Brown:** The commission was the direct result of a study that was conducted at the Center for Strategic and International Studies in 1985, which was co-chaired by former secretary of defence Melvin Laird and former DNC party chairman Robert Strauss. It was a 40-person body that studied a number of different election-related issues, including debates. The one item they reached consensus on was that there should be an independent entity that does nothing but debates, that does not do anything else that might pose a conflict.

The original members of the commission board were largely chosen from that group of people, which was a 40-person group that included leadership from all the different sectors of society. There is a provision in the bylaws that says there will be a nominating committee within the commission's structure that will look at names of people who might be recruited to serve on the commission.

One of your witnesses mentioned that we are "bipartisan". We are non-partisan, and I think that right now the board is probably evenly divided between Republicans, Democrats, and independents in terms of how they would self-identify.

We look for people who have had some experience that would make political debates at this level a familiar experience, who understand that they have to be completely neutral in their decisions regarding the debates and the participants, and that even if they have previously been involved in partisan politics, this is a place where, to quote current and founding co-chairman Frank Fahrenkopf, no one wears a party hat: they wear a U.S. of A. hat. You look for people who will understand that this is an unusual role to be playing during a general election. It is one that people feel strongly enough about that they're willing to take part in what are quite often some very difficult decisions and criticism.

**The Chair:** Thank you very much.

Now I'd like to welcome to the committee former House leader, the Honourable Peter Van Loan, and also Pierre-Luc Dusseault.

Now we'll go to Mr. Dusseault from the New Democratic Party.

[*Translation*]

**Mr. Pierre-Luc Dusseault (Sherbrooke, NDP):** Thank you, Mr. Chair.

I am always happy to be at this committee.

I'd like to go back to the context and history that preceded the foundation of your non-profit organization. I am interested in how you went about ensuring your credibility.

In Canada, it would not be easy to create such an organization and attempt to demonstrate its credibility with political parties to organize or supervise debates.

How did your non-profit organization historically ensure its credibility in regard to organizing debates?

• (1220)

[*English*]

**Ms. Janet Brown:** Monsieur Dusseault, that is a very good question. The entity that had sponsored the debates in the three cycles before the commission was created was the League of Women Voters, which is also a not-for-profit. The league does lobbying and represents issues, and that gets into the realm of what candidates have to say on those issues.

The commission was seen as a way to strip away any other activity, but the task that you ask about was difficult. It was not without a great deal of effort on our part to try to explain who we were and who we weren't, and to say that we were going to try very hard to gain the trust of the broadcasters, the campaigns, and the public to put debates on that would be seen as absolutely neutral and absolutely fair.

The League of Women Voters was understandably not happy to see a competitor enter the playing field, and one thing we wanted to do was to be extremely respectful of the groundbreaking role they had played. I am happy to say that the co-chair of the commission's board right now is Dorothy Ridings, who used to be head of the League of Women Voters.

It is a task that there is no manual for. If you are going to create a new entity like this, which is playing a huge, visible, and important role in a national election, you basically need to think very carefully

about what the public face of that organization is going to be and how it is going to explain what it is doing.

I would argue one of the handicaps we had to overcome was our name. It sounds as though the commission is a part of the federal government. We are not, which is a good thing, but the answer is, it is difficult.

One thing I would like to say is that depending on how you go forward, please consider the CPD at the disposal of your committee and your colleagues. If there is ever any way in which we can save you some of the aspirin we've had to take over the years, we would be honoured to.

[*Translation*]

**Mr. Pierre-Luc Dusseault:** Thank you.

The other topic I'd like to raise is the room you make for more marginal parties. During the last presidential election, there was more attention focused on independent candidates.

How did you handle requests from independent parties? This could potentially be an irritant in Canada. In Canada, there may be more diverse political parties. It would potentially be irritating that certain parties not have the right to take part in debates.

Did you have to deal with this issue in connection with recent debates? How did you respond?

[*English*]

**Ms. Janet Brown:** It may surprise you to know that in 2016, approximately 150 people registered with the Federal Election Commission as candidates for president of the United States.

We have criteria that are applied to anyone whose name has been registered with the FEC or who appears on any single state ballot in the U.S. Those criteria in the last few cycles have been three: constitutional eligibility to run and serve as the president of the United States; a chance to mathematically win the electoral college vote, because that's what matters here at the end of the day, as you know; and the candidate must meet 15% support in the polls approximately two weeks before the first debate.

That 15% is arrived at by taking five national polls that tend to be jointly conducted by newspapers and the large television networks. We average those polls—they need to be based on a very large sample survey—and see whether or not anyone, including the major party nominees, has met the 15%. If they have, they are included in the debate. The criteria are reapplied after each debate before the next debate, so that if someone's position changes, we can accommodate that.

Our debates take place in the last four weeks of the general election. You are right: there are a lot of other party candidates who would like very much to get air time. Increasingly in this country there are forums on different media outlets, particularly C-SPAN, that afford that opportunity and, of course, in particular, social media is a place where it is very cost-efficient to get your message out if you are a small candidate.

The short answer to your question is that the commission is chartered only to do general election debates between candidates who meet its FEC-mandated criteria. We cannot do anything that is especially targeted to accommodate candidates who do not meet that criteria.

•(1225)

**The Chair:** Quickly, could you tell us the percentages that the Republican candidate and the Democratic candidate had two weeks before the last election?

**Ms. Janet Brown:** It was significantly more than 15%. If you would like the exact numbers, I would be happy to give them to you. They were both in excess of 40%.

**The Chair:** Thank you.

Ms. Sahota.

**Ms. Ruby Sahota (Brampton North, Lib.):** Thank you, Mr. Chair.

Thank you for being here today. Your testimony is fascinating.

What keeps coming to mind is along the lines of what was said by my colleague from the NDP. We're trying to figure out where the authority would come from. In your commission, where does your authority come from? What if one of the main presidential candidates were to back off, to back out and say "this isn't for me"? What if she decided that she wanted a women's league to hold the debates? What would you do in that kind of situation?

**Ms. Janet Brown:** Not only could that happen, it has happened. It was very interesting to read the testimony and the questions from the committee on that issue particularly, because the fact is that at the end of the day there's only one lever that matters in debates: what the public wants.

When it appears that a candidate is balking and in fact perhaps says they're not going to one or more of the debates, the public outcry here is huge and very swift. I would argue that this is actually a much bigger enforcement mechanism than saying that person will be denied funding or advertising time, or that there will some kind of a sanction. These debates are now expected by the public, which I should think would be the case in Canada, given your long history.

In particular, some of your witnesses have talked about the fact that for the average citizen who is not following politics every second, it's towards the end of the campaigns, the end of the general election time, that many people are in fact paying attention, and this is when they want to hear from these candidates. If it looks as though the candidates are saying that they have better things to do, that they don't want to do this and they'll use a competing invitation as a reason not to do it, people get angry, and that anger will manifest itself very quickly, because their basic feeling is, "What do you have to do that is more important?"

The debates in the United States are, I would argue, the last event that belongs to the public. The conventions are preplanned, and certainly most of us could never go to one just because we decided we wanted to. The ads are produced. Campaign stops are prescreened. The debates belong to the public, and they take place without filters: this is listening to the candidates directly.

The public outcry is very quick, and I think that's a very good thing. There has been talk in this country of legislation mandating debates, particularly perhaps tied to federal funding: that if you are a candidate receiving federal funding, you must debate. I think the common wisdom is that legislation like that would probably be deemed unconstitutional.

**Ms. Ruby Sahota:** Really?

**Ms. Janet Brown:** It would be the reverse of free speech. It would be mandated speech.

The other concern that you can well imagine in this country is that if Congress got into the business of defining what a debate sponsor should look at, it would not stop with simply setting it up. It would come with a long list of what—

•(1230)

**Ms. Ruby Sahota:** Well, my next question, Ms. Brown, was going to be along those lines. You're covering fantastic material. I know that you're mentioning some of the objections to having it legislated, but do you see any value in having it legislated?

**Ms. Janet Brown:** I do not because of what I was going to say, which is that I think it would actually make the process much more rigid. I think it would be irresistible for the legislative body not to put in a lot of detail about how many debates, what schedule, what format, and how they would be run.... That, I would argue, might inhibit a debate sponsor's ability to be flexible as technology changes, as—

**Ms. Ruby Sahota:** What if legislation were to legislate an independent commission or commissioner to create a framework with maybe a more flexible, loose mandate that there had to be one debate, at least one debate in each official language, and maybe some parameters, but leaving room for flexibility and for the commission to decide, through an arm's-length process, how these debates would be conducted? They would then negotiate with moderators, media, and other stakeholders as to how the debates would take place and when and where.

**Ms. Janet Brown:** I think it is something that you should definitely look at; it may well be the right way to go.

In this country, I think it would have been problematic. Perhaps the single reason that it would be the most problematic is that Congress, for the most part, is a partisan organization. It's very important that a debate sponsor be open to any candidate and any party and be strictly non-partisan. I think it would be difficult.... I know it would be difficult.

**Ms. Ruby Sahota:** Along those lines, I have another question. You mentioned something interesting, which was that the average cost of a debate is about \$2 million. You fundraise for the funds that your not-for-profit has, or companies and corporations are responsible for some of that funding you receive. Do people see that as somewhat of a conflict of interest at times? Can that be perceived as a conflict of interest?

**Ms. Janet Brown:** They can see it that way until they understand that in return for the donation that anyone is making to us, they get nothing. They get no access to the campaigns or the candidates, and they get no input on any of our decisions, so there is no conflict. In fact, it is remarkable to see what motivates the foundations and corporations that give to us. They think this is an important piece of our civic education process, and that's why they do it.

**Ms. Ruby Sahota:** What kinds of corporations come forward to donate to the commission? For example, is it academic institutions? You were saying that if you hold the debate at an academic institution, they're responsible for the funding. If you hold it at another venue, are various other stakeholders coming forward or do you think it's still mostly the academic community that sees the value in this commission?

**Ms. Janet Brown:** No. It's very broad. Academic institutions see the value because, needless to say, it is bringing a historic event to their campuses that hundreds if not thousands of their students can volunteer in and have an opportunity that they would never have otherwise. They certainly see it. Corporations see it.

We have a wide range of entities that have participated in contributing to our work. It is not a huge list, because the fact of the matter is that we can't do very much for them, but it is a list of companies that over the years have ranged from telecommunications companies to airlines and car companies. It's a very wide range of entities that see this as something that they believe is an important and valuable part of our democracy.

• (1235)

**The Chair:** Thank you very much.

We'll now go to the Honourable Peter Van Loan.

**Hon. Peter Van Loan (York—Simcoe, CPC):** In the last presidential cycle, how many presidential debates took place?

**Ms. Janet Brown:** There were three presidential and one vice-presidential.

**Hon. Peter Van Loan:** Were they all under your auspices?

**Ms. Janet Brown:** Yes.

**Hon. Peter Van Loan:** I think you alluded to occasions when candidates have said... Have there have been other debates since you've been established that have taken place outside your auspices and have been broadcast?

**Ms. Janet Brown:** No.

**Hon. Peter Van Loan:** You don't do the primary ones. Is that right?

**Ms. Janet Brown:** That's correct.

**Hon. Peter Van Loan:** Okay.

You said something that I thought was very interesting. You said that one of the handicaps you face is that the name of the commission makes it sound like it is part of the federal government. Can you elaborate on why that is a handicap and how that impairs your ability to do your job, or on what is the perception that you say results from it?

**Ms. Janet Brown:** Simply, I think "commission" is actually a really lovely word, but in most countries, and certainly in this country, I think it implies that there has been an official commission

given to a person or an entity. In this country, it leads people to assume that we are congressionally chartered and probably congressionally funded. We are neither, as I've made clear.

I don't think it has handicapped our work, thankfully, but it does create an initial misimpression with some people, because they assume that all that they see when a debate starts in fact has been funded by the federal government. It does not occur to them that we are a not-for-profit and we need to raise our own operating funds.

**Hon. Peter Van Loan:** If somebody has that impression that you're funded by the federal government, why would that be a bad thing?

**Ms. Janet Brown:** It's not—

**Hon. Peter Van Loan:** You say it's a handicap. Why would it be a bad thing?

**Ms. Janet Brown:** If we go to someone and say that we were wondering if they would like to support our educational work, or the work that is involved in putting on the debates, and they ask why they would need to do that because we are federally funded and obviously federally chartered, it's simply one more briefing requirement that you need to go through to have them understand that this is not what we are.

**Hon. Peter Van Loan:** It's not that you think it would be a bad thing for a government entity to run it.

**Ms. Janet Brown:** No. I am not saying that it's a bad thing. I think if we're—

**Hon. Peter Van Loan:** If Congress came to you and said, "We've decided we're going to fund you; we're going to pass a law and this is going to be the new independent commission", what would you anticipate your response would be to such an initiative, if it came out of Congress?

**Ms. Janet Brown:** That would be a big question. It would be one that the board would have to consider very carefully. It wouldn't be that easy. We are a legal entity. For Congress to come and say that would be a totally *de novo* issue that would have to be addressed.

I am not saying that I think it is a bad concept for you to explore. I think in this country it's a good thing that the commission was established and has run as an independent, non-partisan entity.

**Hon. Peter Van Loan:** Let's say Congress said that they're setting up their own commission to replace you—not to take over you—because they think that would be better. It would be publicly funded. It would level the playing field, and it would deal with these other perceptions that another member asked you about. How would you respond to that kind of initiative?

**Ms. Janet Brown:** I don't know. That's a very complicated question. One would have to sit down and try to figure out the responsible way to answer it.



Our commitment is to make sure the debates happen. Very early in our first year, I had reason to be in the office of a very senior United States senator with a very senior member of the United States House, who is now an international household word. We were discussing the fact that the League of Women Voters was not very happy about the fact that we had been started. There was some pleading going on about the fact that we should co-sponsor these with the league, that there were different issues designed to try to make it all gentler than it seemed to be going. I will never forget what the senator, a rather colourful western senator, said. I will not repeat it right now, but you can probably imagine, he—

• (1240)

**Hon. Peter Van Loan:** You can't tempt us like that and then not share.

**Ms. Janet Brown:** Yes, I know. It's sad.

**Voices:** Oh, oh!

**Ms. Janet Brown:** He turned to his House colleague and said, "You know, the American public doesn't give a"—blank, blank—"who sponsors them. They just want to know they will happen." There was silence for a few seconds after that, while we all tried not to giggle or feign offence. It was a cogent point that only a westerner could have made with the colourful accent that he put on it.

The point was not to get caught up in the mooring lines. Let's try to make sure that we are focused on.... Look, these debates need to happen. They need to happen predictably. They need to happen in a way the public believes is fair.

**Hon. Peter Van Loan:** Thank you.

**The Chair:** Thank you.

We'll now go to Mr. Bittle for five minutes.

**Mr. Chris Bittle (St. Catharines, Lib.):** Thanks very much.

Ms. Brown, thank you for agreeing to help us out on this issue.

We heard from the broadcasters. In your comments you mentioned the concerns of American broadcasters with the date on which you were deciding to air the debates.

What goes into your decision? Our broadcasters came and said to please find the hole in the schedule, so to speak, because that would potentially create a greater audience.

How do you deal with Monday night football, the World Series, and the popular hit TV show on at that time? How do you address those concerns?

**Ms. Janet Brown:** Mr. Bittle, we try to spread the pain.

We try first of all not to have two debates on any one night, no two debates on a Tuesday, for instance. It's not just the networks' commitments, it is also federal and religious holidays, obviously, in October. It is a very, very difficult task. I've had some very colourful conversations with senior network executives who don't think we quite understand what we're doing here.

Last time I actually volunteered to make one of America's most loved colour commentators on NFL the debate moderator, which didn't seem to go over at that network with the amusement that I thought it carried, but whatever.

You sit down basically 18 to 20 months ahead of time, and try very hard to look at what you can know. Here's one of the dilemmas: Built into the baseball series schedule are travel and rain days. What happens if it's done in five games? What happens if it goes to six or seven games? You inevitably are going to run into something. You just are. We try to run into the fewest number of things. We try to keep open lines of communication. If someone wants to call and use colourful language to say how they feel about it, they are more than welcome to do that.

It's inevitable that you will run into something. You just try to do it in a way that is fair and respectful.

**Mr. Chris Bittle:** My time is fairly limited. Are there any potential pitfalls or concerns that your organization runs into that you'd like to highlight for us? That's a bit of an open question, I know, but is there any advice we haven't discussed that you've seen in your work and would like to pass on to our committee?

**Ms. Janet Brown:** No one ever says, "Attagirl." No one writes us and says, "Wow, that was so great. Thank you. Please keep it up."

You know this: you are all in public service. You will hear from the critics. You will get beat up a lot. It is very important to try to keep the focus on what the main event is.

For us, it's to make sure the debates happen, and that they happen in a way that is respectful, dignified, and substantive. The rest of it, you have to try to navigate. In our case, it's very helpful that this is all we do. We don't do anything else. We also are mindful that we aren't here to win popularity contests.

**Mr. Chris Bittle:** How much time is left, Mr. Chair? One minute.

I'll pass it on to Mr. Graham.

• (1245)

**Mr. David de Burgh Graham (Laurentides—Labelle, Lib.):** Thank you. I have one very short question.

You talked earlier about working with 32 debate commissions around the world. I'm wondering if you can tell me more about who they are and what you do with them.

**Ms. Janet Brown:** Yes. In fact, I would invite you all to go to our website, [debatesinternational.org](http://debatesinternational.org), and there you will see the members and the information exchange, which is the focus of our work. We have a number of South American entities involved. We did a lot of work in Argentina two years ago. In fact, a colleague of mine and I just got back from Mexico City, where a conversation along these lines is also happening. Interestingly, as you may well know, their election authority is the debate sponsor, and it's something that they are wrestling with in terms of whether to go forward that way.

We have quite a number of countries in Africa that are doing extremely brave and pioneering work, particularly Ghana. We have Jamaica, Trinidad and Tobago, and a number of the former Soviet Union countries. Serbia has done some really revolutionary work in format. These are very brave people. We're all equals learning from each other.

**Mr. David de Burgh Graham:** Thank you.

**Mr. Chris Bittle:** If I may, Mr. Chair, I have a very quick point.

If you do go to that website—and this is selfish and shameless self-promotion—you will see that we are the top story on [debatesinternational.org](http://debatesinternational.org). I encourage everyone to visit.

**Voices:** Oh, oh!

**The Chair:** That's very good to know. I'll repeat that: Canada is at the top of what, 38 countries?

I'm going to morph this into open format. I'll allow one question from any committee member.

Mr. Dusseault.

[*Translation*]

**Mr. Pierre-Luc Dusseault:** There is a question I did not get a chance to ask earlier.

I would like to know, given that you represent the image of your organization, and its credibility and impartiality, how you were chosen. This is a situation we will probably experience here in Canada, when this organization is set up. No matter what the organization may be, it is always up to the person who represents it to ensure its credibility and neutrality.

I'd like to know how you were chosen, and what the process was.

**Ms. Janet Brown:** That's something I wonder about myself.

[*English*]

I had worked in the government for, I guess, 15 years when my name was submitted to the founding co-chairs as a possible staff director for the commission. Due to the fact that I had worked for individuals such as former ambassador Elliott Richardson and former senator John Danforth of Missouri, I think I was seen as somebody that hopefully would be credible to people on both sides of the aisle and, equally important, to people from the other parties that participate and were interested in this process. I had some media experience, and Washington is my original home.

It's not an easy task. I'm grateful that I was considered, but it's hard to find someone who will not be a flashpoint and will be someone who can be out front and try to explain to the public who this group is and why you should trust them.

**The Chair:** How are the chairman of the board and the board selected?

**Ms. Janet Brown:** The original board was selected as an outgrowth of that original study in 1985, the Strauss-Laird study. At the time, Paul Kirk and Frank Fahrenkopf were the chairs of the Democratic and Republican national committees respectively. They took steps to incorporate the commission and served as the founding chairs. They ended their partisan political service shortly thereafter, and there has never been any other tie between a board member and the political parties.

There is a nominating function that is outlined in the bylaws, which is internal to the board. There's a nominating committee, which is named by the chairs and consults inside and outside in looking for new members of the board.

**The Chair:** Thank you.

Do other members have questions?

Parliamentary Secretary Fillmore.

• (1250)

**Mr. Andy Fillmore (Halifax, Lib.):** Thank you, Mr. Chair.

Thank you very much for your words today. It looks like what we're hearing from a number of witnesses—you may have learned this from your reading—is that a light and agile structure is the preferred structure in terms of something that will allow flexibility for who knows what...conditions may change in the future.

What you have learned, I guess, is what I want to ask you about. What would be the lightest sort of agile structure that might work for us? What key pieces need to be in place that would still allow flexibility?

**Ms. Janet Brown:** When I saw that phrase in someone's testimony, I underlined it. I couldn't agree more. If you create something that is large, you've already given a management to-do list that may run into the actual task at hand. I think the lighter you can make it... I guess it can't get too much lighter than two people, which is where we are, although for a long time it was one person, so that's a bit lighter.

I think the most important thing is to define the tasks and who and how many people you need to get that done. We all know that when you create a new organization you can go for broke with things that ideally one might think you would want or could use, but this is a unique business. I would argue that it's very important to define what you really need and what you need to do. There are debate variables that are out there; they're defined. It's the number of debates and the length of them: what do they look like and how do you get to where you need to be in terms of both sponsorship and production of those tasks?

Again, as I said, a lot of thought went into the commission. By the time I was hired, there had been two full years of work given to this. If we can share that in a way that helps inform your deliberations, I'd be delighted, but I think being light and agile is critical.

**Mr. Andy Fillmore:** Do you feel that there is a right number of debates? Are there too many debates? Are there too few? Is there a right number that the public has an appetite for and will tune in for?

**Ms. Janet Brown:** In our case, there has been a traditional observation of Labour Day as the start of the general election period. This means that we've never started the debates before the first week of September.

Also, there is a general reluctance on the part of the candidates to ever have a debate within 10 days to two weeks of the general election. There is a sense in some campaigns that debates freeze the campaign, and that the candidate has to stop and prepare and really focus on the debate.

Given all the other things that a campaign wants to get done during September and October, it has led us to believe that three presidential debates of 90 minutes apiece, without commercial interruption, is about right. In trying to go for four, there might be a problem to get candidate agreement, and I don't think two is enough to cover the number of topics that are key on both domestic and international policy.

**Mr. Andy Fillmore:** To go one layer deeper yet, are they themed debates on the economy, the environment, etc.?

**Ms. Janet Brown:** In the last two cycles, we have done something different that's worked very well. The first and last presidential debates have been divided into six 15-minute segments. Each of those segments is on a topic that the moderators select and announce roughly 10 days before the debate. The segment starts with a question that is posed to all of the debate participants. They have two minutes to respond, and the balance of the 15 minutes is used for a discussion, with minimal participation by the moderator. In the last two cycles, those have in fact been divided between domestic and foreign topics. That is the way it has worked.

It's not an open-book exam, but it does allow the candidates to understand that these are going to focus on the salient issues and what they are.

**The Chair:** Can you remind us who chooses the topics, who writes the questions, who chooses the moderator, and what the conditions are for a moderator to be chosen?

**Ms. Janet Brown:** In the reverse order, we choose the moderators, and we use three criteria in that process: number one, someone who is intimately familiar with the candidates and their positions on the issues; number two, someone who has had extensive experience in live TV; and number three, someone who will understand that, for better or for worse, they are not on the ballot. They are there to facilitate, not to compete. The moderators alone choose and know the questions. The commission does not know. The candidates do not know.

•(1255)

**The Chair:** Mr. Graham.

**Mr. David de Burgh Graham:** Earlier you said that the threshold is set at 15% for participation in debates.

**Ms. Janet Brown:** Yes.

**Mr. David de Burgh Graham:** Why is it so high?

**Ms. Janet Brown:** If you are not at 15% support in the polls four weeks before the election, I think history would show that there is virtually no chance you will be elected by the amount of the American public that would be needed for that. Many of you may be familiar with the experience of the League of Women Voters in 1980 when John Anderson, who had been a member of the United States House of Representatives from Illinois, was running as an independent. He was invited by the league to participate in the first debate with then Governor Reagan. President Carter, the incumbent, declined to participate because he basically said he was not going to share the stage with someone who was not a majority and not a competitive candidate. So the first debate was Mr. Reagan and Mr. Anderson. The league reapplied the criteria after that first debate, and Mr. Anderson did not meet the criteria. The second and only debate between Mr. Carter and Mr. Reagan took place thereafter.

There is always the risk that a candidate who has a great deal of support will decline to participate if they believe that a candidate who does not have a realistic chance of being elected has been included in a debate in the last three to four weeks of the campaign. This is simply the way the commission has done it. There are people who think that it should be much lower, or that it should be based on ballot access and not on percentage support. If a debate sponsor

came forth and said they wanted to sponsor debates using different criteria, they would have every right to do that. There is nothing that says that the commission is the only entity that could put forth a proposal, but this is where our board of directors has come out on this issue. It is thoroughly reviewed, by the way, in between every series of debates to see whether it needs to be altered.

**The Chair:** Thank you.

Ms. Tassi.

**Ms. Filomena Tassi:** I have three quick questions.

Are the members of the 11-person board compensated?

**Ms. Janet Brown:** They are not.

**Ms. Filomena Tassi:** They are not. Okay.

What's your overall yearly budget? Are you able to share that?

**Ms. Janet Brown:** I honestly don't have a number that would represent an accurate number once you take out all of the educational and other issues, but it's well under a million dollars.

**Ms. Filomena Tassi:** Okay.

How do you evaluate at the end, in terms of doing better and self-improvement and so on? Is there a mechanism...?

**Ms. Janet Brown:** Absolutely. We do studies on things ranging from production to.... As I said, there's a review of the candidate selection criteria. We talk to the debate venues and ask what happened that could be improved. We talk to law enforcement. We talk to the media. We talk to the moderators. We do a complete review of what happened, and after action reports to see where we can work on things to make them better the next time. We review formats after every cycle.

**Ms. Filomena Tassi:** Thank you.

**The Chair:** Monsieur Dusseault.

[Translation]

**Mr. Pierre-Luc Dusseault:** Could the debate, audio and video, be royalty-free, so that anyone could use it and broadcast it free of charge, in all or in part?

Is that a possibility?

[English]

**Ms. Janet Brown:** That is a question for the television networks, because the fact is the way we do this on a White House pool basis means that the signal that is transmitted, the actual broadcast, belongs to the White House pool. They are putting money into each debate in the form of the cameras, the cameramen, the production truck, and the transmission of the signal. That cost is shared by members of the pool, so it is entirely their decision as to whether they would waive even a nominal fee and say that it could be made available to anybody with no charge. Needless to say, social media companies have been pushing for some time to say that they are owed that, but that is a decision for the members of the White House television pool to make.

•(1300)

**The Chair:** Do you have a backup generator in case of a power failure?

**Ms. Janet Brown:** We have triple redundancy on every element that goes into the debate hall.

I don't know if any of you saw the 1976 debate between Mr. Ford and Mr. Carter in Philadelphia or have seen video of it. The power failed, and there was a 27-minute silence on the stage. I needn't tell any of you how excruciating that would be, if you were in a debate of that level of magnitude, to be standing there for 27 minutes wondering what exactly had happened.

I had to laugh. Two Super Bowls ago when there was a power failure in New Orleans and a large part of the stadium went dark, I said to my husband, "I give it 45 seconds." He said, "Forty-five seconds to what?" I said, "Until my engineer emails me and says 'not on our watch, it wouldn't have happened'". It was about 30 seconds.

**Voices:** Oh, oh!

**Ms. Janet Brown:** The answer is absolutely, you have backup systems on backup systems.

**The Chair:** It sounds like you're a very efficient administrator. Thank you very much for appearing today. It's been very helpful for us. I think it will be a big part of our deliberations.

**Ms. Janet Brown:** Thank you. It's a privilege.

**The Chair:** To the committee, for our meeting next Tuesday, December 12, which is our last scheduled meeting for this year, we have Twitter and *La Presse* currently scheduled. We're waiting to

hear back from TVA and the Huffington Post. In the second hour, we will be giving drafting instructions to our analysts.

There's another thing for people to think about, not right now but over Christmas if you want to. After our 18 votes the other night, if you want to revisit the discussion we had on electronic voting when we were discussing the Standing Orders—

**An hon. member:** Applied voting.

**The Chair:** —or applied voting, keep that in your Christmas package.

Is there anything else for the good of the nation? Okay.

Tuesday will be our last meeting. Is everyone agreed? We'll give instructions and come back....

Also, Trinidad and Tobago couldn't be reached for today, but we're going to try to get them to the first or second meeting when we come back.

**Mr. David de Burgh Graham:** We have 29 more countries to talk to.

**The Chair:** Yes, right—out of order.

**Voices:** Oh, oh!

**The Chair:** The meeting is adjourned.

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