



Interview: Ordinary Canadians and the Constitutional Process

In November 1991 the Special Joint Committee on a Renewed Canada reached an impasse over the process being used to consult Canadians about the government's plan for constitutional amendments. As part of an agreement to break the impasse it agreed to hold five special conferences on the constitution where ordinary Canadians would be given an opportunity to make their views known. These conferences were held on consecutive weekends in January and February 1992. Who were some of the "ordinary Canadians" selected to participate in these conferences? How were they chosen? What did they think of the experience? These and other questions were put to five individuals who attended the conferences. Roy Grinshpan is a computer science student at Concordia University in Montreal. Ron Markey is a dentist from Vancouver. Susan Crean is Chair of the Writer's Union of Canada and a member of the Common Agenda Alliance for the Arts. Penny Fancy of Saskatoon is a member of the Canadian Advisory Council on the Status of Women. Donald Scott is a consultant in Yellowknife and a former Manitoba MLA. The interviews were conducted in April 1992 by Susan Allan and Paul Vieira.

What prompted you to get involved in the constitutional conferences?

Roy Grinshpan: Well, I guess it was the ad that first struck me. I saw it the first day it was advertised and it sounded interesting. I did not take it seriously until a couple of weeks later when *The Montreal Gazette* mentioned it again. I noticed the deadline was only a week away. I do not know what hit me to be honest. Something just called upon me to do it.

Ron Markey: I was involved with the Niagara Institute organizing committee to get input as to the type of people they should be inviting to

the conference and the type of questions that should be addressed.

I was fortunate enough to get asked to join that and, as a result, received an invitation to the conference. I got a call in December asking if I would be interested. I told them one day later that I would be. I thought that it was an exciting opportunity.

Susan Crean: I am Chair of the Writers' Union of Canada. I am also involved in the Common Agenda Alliance for the Arts and it was in that connection that my union requested that we be invited. So in that sense I am not an ordinary Canadian.

Penny Fancy: I am a member of the Canadian Advisory Council on Status of Women. We look at issues and different government policies that affect women. We do our own research and we make recommendations to the government. This is why the Constitution is on our priority list. When these conferences came up, our council requested that all the women's national groups should be invited to it and members of our council should also be invited. So our names were sent in.

Donald Scott: I have been involved in constitutional matters since the Constitution was brought home. Since that time I started realizing how constitutional changes

can change the nature of a country. Nothing has done more to change the country as rapidly as constitutional changes in the last decade. So I wanted to get involved and see what was going on here. I was involved in Meech Lake as well as a member and had some minor role when the first draft of Meech Lake came back. I was not a big fan of Meech Lake so when the next round came along and I saw the ad in the paper I responded.

Was your voice heard at the conference?

Roy Grinshpan: I do not think my voice in itself made a big difference within the conference as a whole. But within the workshops I think that my voice and the voices of others opened up different perspectives. On the whole I do not know if one voice made that much of a difference.

Ron Markey: Yes. I think that the feelings at the conference, in terms of the interaction between participants and the reports that were ultimately given, was really quite positive. The feeling I get from having been at the conference is that for the most part, most participants would rate the conference as being very positive.

I do not think things were always reported in precisely that light, but I think that generally speaking people at the conferences thought there was an excellent consensus on most of the issues that were discussed.

I was fortunate enough to be the rapporteur for one of the working groups. That was an extra piece of good fortune in a sense that I did get the chance to say my two cents worth a couple of times on behalf of the group.

Susan Crean: Through all these conferences I was very uncomfortable with the notion of being there

as a so-called private citizen when I was not. So when we were asked in workshops on a personal level to express ourselves I always said that I was uncomfortable about that. The reality was that I was there representing writers in particular and the arts community in general. I believe that democracy happened – or at least wagged its tail. I believe that the people who were there – that is the people who were not politicians, bureaucrats or advisers – did a tremendous amount of work.

We were heard but we were not listened to by the people in power. I would say that we left footprints in the sand but the tide is already in.

Penny Fancy: I would say that the conferences were very open so the people could come forth with any idea. There was no stipulation as to what you had to say or what you had to discuss. We had a broad outline and everybody was free to voice their own opinion and some of them did not even deal directly with the constitutional proposals that were on the table. So it was very open.

Donald Scott: No. The conferences were essentially a stage. A year ago people were talking about using a constituent assembly and the government at the time poo-hoed the idea as a decision-making body. It is my perspective of things that the government then turned around and said, "We will not call it a constituents assembly but we will call it a constitutional conference and we will invite ordinary Canadians to participate."

What, if anything, do you think the conferences accomplished?

Roy Grinshpan: The greatest thing about them I suppose was the idea of a constituent assembly. I am a very big proponent of this. As a computer science student I have access to electronic mail. I sent out a

globally transmitted message saying that if you have any opinions on the Constitution I am going to the conference and I will be glad to give them to the minister. I did that for some 70 people who responded.

So, I am a very big proponent of giving people a chance to speak. I hope the conferences set an example and sort of open the door to these types of constituent assemblies because I think that they are excellent.

Ron Markey: Despite the fact they were at times portrayed as conferences that catered to special interest groups I really feel that our conference had an incredibly broad section of Canadians.

I was really amazed by the fact that walking to the microphones were so many different Canadians: different ethnic groups, different racial groups, different ages, handicapped people, wealthy people — you name it. It was just a remarkably good cross-section of Canadians. So that was the thing that stuck in my mind the most.

Susan Crean: I think it proved that so-called ordinary Canadians are better at it. People outside of the system, who do not have a vested intellectual or political interest in the process, are much less paralyzed by old formulas and cultural baggage than we were.

I think that we were moving toward a vision of Confederation based on three national communities that was to some extent accepted – or at least responded to by people like (former Clerk of the Privy Council) Gordon Robertson; but not by the people who were actually doing the reform work – the people in government and the people in parliament.

I am highly disappointed – to put it mildly. We were not only not listened to, we were ignored.

Penny Fancy: First, I think it was a broad cross-section of people. I think you could hear some of the grassroots voices coming up and some of the common themes were there what we hear in our own communities. They seemed to come up at the conferences also and that was a positive thing.

You know the question of Quebec and you hear in the media about the animosity between French-speaking and English-speaking Canadians but in general it was not like that. I think in the conferences some people were making a special effort.

Donald Scott: I think they accomplished a great deal for the government. I think they gave a great deal of credibility to the government's agenda and that the government is now able to claim publicly that the proposals they are bringing forward came out of the conferences. And it is quite right, many of them did. But the conferences were grossly stacked. At both conferences I attended (Toronto and Ottawa) there was a fair amount of pressure to conform. But my workshop had some excellent people in it. I really enjoyed the participants from Quebec. We had excellent exchanges of very good-spirited debate of trying to understand one another. So from that it certainly was successful in that respect.

Was your voice reflected in the final Dobbie-Beaudoin Report?

Roy Grinshpan: I do not know how much of an impact we had on the Report. I am generally pleased with the report but I do not know how much they considered the conferences.

Ron Markey: I read the report on our conference which I thought was a fair reflection on what took place. I read the summary report in Dobbie-Beaudoin which I thought

was a fair reflection. I think that certainly to some extent yes.

Our conference, for example, came out very strongly endorsing the distinct society concept. Even though it was not one of the issues we were mandated to discuss. The aboriginal peoples concerns and their inherent right to self-government was also strongly supported at our conference. I really feel that in a lot of ways the things that were discussed at our conference and our attitudes toward the issues under discussion were definitely paid attention to.

Susan Crean: They did have to take into account and did address some of the issues that we raised – specifically in terms of the first recommendation in the section on culture which talked about consulting with the community and not proceeding with the government's proposal for bilateral cultural agreements. However, in the very next one they simply went on to ignore all the consultation that had happened over the previous three months and suggested they go ahead and do what the government had proposed anyway. We have arrived exactly nowhere.

The bottom line is this has been very important. It has been a historic; very exhilarating experience. But the politicians and bureaucrats did not listen and they do not care.

Penny Fancy: The voices seemed to be reflected. But personally I was disappointed at the report. It did not seem to reflect everything. In fact, some of the points that come in the report had not seemed to come up at the conferences.

So, I personally was disappointed, especially from a woman's point of view. Women had emphasized they wanted their voice to be heard. For example, in the Senate

reform and the House reform discussion, women said they must have their own special representation in these two governmental bodies because we feel that if women are not there in critical masses then they are sidelined. It was not reflected in the Beaudoin-Dobbie report which disappointed me.

Donald Scott: Yes, I think that some of the points raised were brought up. In the Toronto conference I had made a proposal on the notion of citizens' code of responsibility – that we have rights but along with that, we also have responsibilities. We should have something in the charter about what these responsibilities are. The odd thing, in my working group I had a fair amount of support and acceptance for this code. But I could not get it close to being mentioned in the final wrap up of the conference. They were just not interested in bringing an item like that into the whole discussion. Talking to people in general I got a fairly decent response on it – but trying to get it on the agenda, or even get it discussed was impossible.

In hindsight do you think constitutional negotiations should remain behind closed doors?

Roy Grinshpan: Definitely not. I think that this is really the way to go about it. As a matter of fact, if it were up to me then there would be a conference once a year, every year.

Ron Markey: That is a tough question. When you get down to the nuts and bolts of trying to finalize clauses and draft sentences and decide if you like this part or that part I would like to see an open process; but it is unrealistic. I think that ultimately a smaller number of hands are going to have to shape it.

I think that it should be shaped in public. Running around the country

and having thousands of different people actually drafting a Constitution does not work. I think the kind of conferences and discussion groups and focus groups and everything else that have been held that have tried to have input into the committee ultimately is the way the citizens have an opportunity to participate.

I would like to see the process remain open but I think that sooner or later somebody had to write the final draft and somebody had to make a decision. I would like to see the first ministers not abdicate that decision.

Susan Crean: No. I think there is work that has to be done behind closed doors. Conferences were by far the most successful because you heard peoples' voices unadulter-

ated and in that sense it was extremely important. We proved that we can do things. People of good will in this country are able to cross over differences and really summon generosity and really be creative. I think we were badly served by the kind of people who were on the Commons side of Dobbie-Beaudoin.

Penny Fancy: Well, if they are talking about the same things now, as long as they do not come up with anything out of the blue, I think that everything is out in the open now at the local level, provincial level and the national level. So now if they meet behind closed doors I would think that it is fine. As long as they do not come up with something totally new that has not been touched. That would be a negation of all this open process and I think there

would be quite a bit of negative feeling because people are cynical about politics and politicians at this time, very cynical.

Donald Scott: I think there is a definite place for that. There is a role for the public process, no question. But you cannot expect the political leaders to be everything that they say to be in front of camera. They just do not say what they think then. All you get is a whole bunch of fudge and that is what is happening. We are getting constitutional documents drafted that should not even be in ordinary legislation let alone the Constitution. We are trying to build so much into the document that we are destroying the essence of what the Constitution should be.



Letters

Sir:

One sentence in my article, "New Insights on Bourinot's Parliamentary Publications," (*Canadian Parliamentary Review*, vol. 15, no. 1 Spring 1992) is incomplete because the end of it has, probably inadvertently, been omitted. I refer to the first sentence, third paragraph, column 1, on page 20. The words omitted are: "by an American law book publisher, Fred B. Rothman & Co." Thus, the sentence should read: "A reprint of the first edition of Bourinot's *Parliamentary Procedure and Practice* was published by the Irish University Press in 1971 and distributed in North America by an American law book publisher, Fred B. Rothman & Co."

Sincerely,

Margaret A. Banks