

CRADLE OF CONFEDERATION

Electoral system offends some

By JULIAN BELTRAME
Southam News
CHARLOTTETOWN — Quaint, tradition-steeped, archaic are some of the words Islanders use to describe the way they elect governments.

To those words Tex MacDonald would like to add: Unconstitutional.

Canadians have long lived with the notion that political parties win elections not by collecting the most votes, but the most seats. Occasionally, as in Newfoundland last month, this results in the most popular party losing an election.

But nowhere is the rule of "one person-one vote" more abused than in the cradle of Confederation, where rural voters can be as much as six times more powerful than their urban neighbors.

Example: On May 29, rural 5th Kings's 2,042 eligible voters will send a councillor and an assemblyman to the legislature under the Island's unique dual riding system. So will 5th Queens, only in that Charlottetown district, 11,964 residents will be eligible to cast a ballot.

There are other examples of gross under- and over-representation.

Summerside's 4th Prince district has 10,273 voters, five times as many as 2nd Kings with 2,129. Similarly, a vote in the premier's district of 6th Queens, also in Charlottetown, is only one-third as powerful as a vote in 3rd Kings.

"It's unfair. . . definitely unconstitutional," says MacDonald, a Charlottetown alderman who ran provincially as a Tory in 1986.

MacDonald notes that last month Madam Justice Beverley McLachlin, in her last decision as chief justice of the British Columbia Supreme Court, ruled B.C.'s electoral map unconstitutional because it

failed to adequately represent the rule of "one person-one vote." She said variations should not exceed 25 per cent.

"I'd love to take (our situation) to court, but I don't have the time or money," MacDonald said.

"It's just ridiculous that a small rural county like Kings (13,000 voters) sends 10 people to the legislature, when one district in Charlottetown with as many voters sends just two."

The wide variations in district voters' lists is not the only aspect of P.E.I.'s unique electoral system that offends MacDonald.

He contends the dual riding framework perpetuates an archaic system originally designed to keep lower-class Roman Catholics in their place.

"They say religion doesn't matter in politics anymore but it's not true," says MacDonald.

"In 1986, I ran in 6th Queens and there had to be a Catholic running against a Catholic for councillor and a Protestant running against a Protestant for assemblyman. There's a lot of districts like that."

Gary Webster, a political science professor at the University of P.E.I., says the system was devised in the late 1900s when despite the Island's 50-50 split between Catholics and Protestants, the latter tended to own most of the property and hold most of the political clout.

Prior to 1966, everyone in a district was eligible to vote for assemblyman but only those with \$350 in property could vote for councillor.

A property owner could also vote for councillor in as many districts as he held the required capital, making it theoretically possible for one person to vote 16 times.

"What the parties did was designate nine districts and they would have a Protestant running against a Protestant and a Catholic against a Catholic. This way you couldn't

have two Catholics representing the district and the Protestants had a majority in the legislature," Webster explained.

While the property qualification was outlawed in the mid-60s, Webster agrees candidates continue to be pitted against each other based on religious affiliation in many rural districts.

"In 2nd Kings, the Liberals would no more think of running an Irish Catholic against Protestant Bloise Dingwell than they'd think of running Yasser Arafat."

"If they did, they'd stand as much a chance of winning," Webster said.

In an interview, Premier Joe Ghiz showed little enthusiasm for tinkering with a system that has been around more than a century.

Contending religious designations were mostly a thing of the past, Ghiz said he not hesitate to run a Catholic in a district normally reserved for a Protestant.

And he called the large voter discrepancies between rural and urban districts a non-issue, as has Tory leader Mel Gass.

"I've been in politics since 1981 and in all that time I've only had one person come up to me and complain (about urban under-representation). That's not one in this election, that's one person in all that time, period," Ghiz emphasized.

However, Webster believes the reluctance to tackle the issue is based more on a fear of the consequences than an insensitivity to the unfairness of the current electoral map.

Webster recalls that when two Charlottetown seats were added in the mid-'60s — the only time P.E.I. adjusted its electoral map — it followed a U.S. Supreme Court ruling on urban under-representation.

"Maybe the B.C. decision will spur changes here after the election," he said.

Justice Minister Wayne Cheverie agrees any changes to what he admits is an unfair system are only likely if the province is challenged in court.

"Given we're in an age of court challenges, it may happen," Cheverie added, noting that as a candidate in P.E.I.'s most populous riding, "I'd have to be a fool to say the way things stand now is fair."

"But for a politician to disturb the people of 5th Kings would be a bold move," he said. "He may find the cure is worse than the disease."

Court challenge halts native Indian inquiry

By PETER BAKOGEORGE
Southam News
Manitoba's inquiry into how natives are treated by the justice system has been halted by a court challenge to its powers.

The two judges conducting the probe have suspended hearings scheduled for The Pas next week, where they were to investigate the 1971 murder of an Indian woman that went unsolved for more than a decade.

Instead, they will send their lawyers to the Manitoba Court of Appeal to argue that the Aboriginal Justice Inquiry has the power to conduct its probe.

One of the arguments they will have to dispute is that the order-in-council establishing the inquiry is invalid because it was written only in English.

The challenges to the \$2-million inquiry were launched by the Winnipeg Police Association.

It is questioning the judges' power to investigate the death of native leader J.J. Harper, who was shot by Winnipeg police.

Harper's death, and that of The Pas teenager Betty Osborne, are the two specific cases the judges planned to investigate now that they have completed their less formal, province-wide hearings into how natives are treated by all aspects of the judicial system.

But the police association says the Harper case has already been fully probed by both the Winnipeg police department and an inquest, and that this inquiry doesn't have the power to delve into it again.

"Our view is that enough is enough," says association lawyer

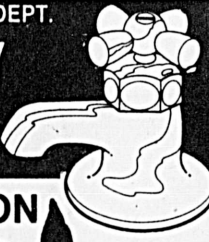
Al McGregor.

"The Harper aspect has already been examined ad nauseum."

He says he will make legal arguments that the aboriginal justice inquiry was given too much power and that it is investigating matters already dealt with by the law.

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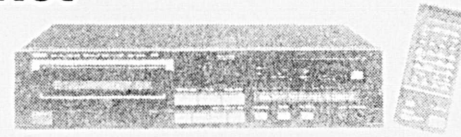
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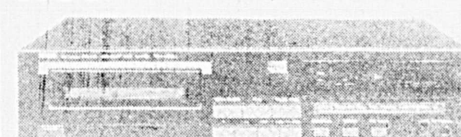


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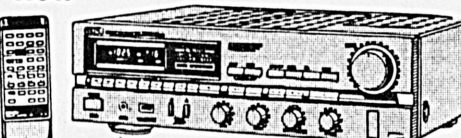
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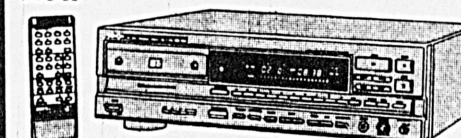


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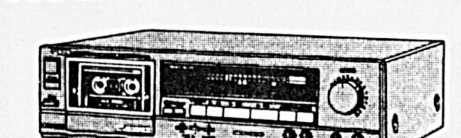


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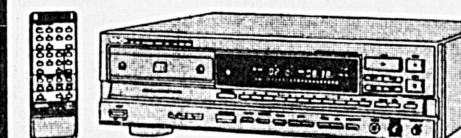


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