

Newfoundland – Fall 1997

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Newfoundland revisited

## The rights and the wrongs

The legal shenanigans employed by the losers of Newfoundland's second education referendum are not only shameful, they're hypocritical

Portions of a column, with the above titles, written by Michael Harris, the *Sun's* national affairs columnist. The column appeared on Tuesday, September 23rd in *The Ottawa Sun*.  
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The longer I live, the more I grudgingly bow to the power of cliches. Like the one that says self-interest rules the world.

Yesterday's news that the Roman Catholic church has gone to court a second time to have the results of Newfoundland's latest province-wide referendum on education reform nullified speaks volumes. It shows the extent to which this great institution has lost its moral bearings.

What part of the people's will does the church fail to understand? On September 2, 1997, 73% of Newfoundlanders who cast votes said "Yes" to a public school system for Canada's poorest province.

The reason they had to vote a second time on the fate of Newfoundland's wasteful, and antiquated denominational school system rests squarely at the doorstep of the Roman Catholic church, and its partner in public misanthropy, the Pentecostal Assemblies of Newfoundland.

After losing an earlier referendum which would have seen religion play a far less influential role in the province's "interdenominational" education system, the churches won an injunction that effectively stopped all reform and threw Newfoundland's school boards into chaos. In the process, they virtually wasted the \$1.5 million it cost to run the first referendum. If the government hadn't reacted, it would have had to spend between 12 and 20 million dollars complying with Mr. Justice Leo Barry's ruling.

The action that premier Brian Tobin took was more direct and a great deal more honest than the route the churches have chosen. Instead of coming up with arcane points of law to sustain an appeal of Judge Barry's decision, Tobin took the case directly to the people in a second referendum. That's where it belongs. It's their kids whose future is at stake and their tax dollars that pay for the system, such as it is.

This time, though, the question was as crystal clear as the result at the ballot box. Did Newfoundlanders want a public school system, yes or no? Nearly three-quarters of them gave two thumbs up to one school system for all. Yet for the second

time, the Roman Catholic church has decided that there is something more important than the will of the people; their own self interest.

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What the churches, (and here I include the Pentecostals) don't want to admit in this confrontation over education reform is that they have paid thousands of dollars to lobbyists like former premier Brian Peckford to work the backrooms of Ottawa in their shameless self-interest.

In fact, sources say that the RC church in particular abandoned any real challenge to the government position in the most recent referendum to conserve its money for legal bills and a behind the scenes battle in Ottawa and the other provinces. The churches have no case, either constitutionally or morally.

By arguing that Term 17 of Newfoundland's Terms of Union with Canada can't be amended by section 43 of the current Constitution, they are merely trying to consign this whole issue to the sink hole of legal wrangling for years to come.

That is exactly what will be accomplished if the courts rule that Term 17 must be amended under Section 38. That section calls for ratification by the Senate, House of Commons, and two-thirds of the provinces with 50% of the population. If that happens, you can kiss good-bye Brian Tobin's 1998 startup date for the public school system that the vast majority of Newfoundlanders want.

Here are the facts:

When a people in a democracy speaks in a united voice as Newfoundlanders did on September 2, neither governments, churches, nor Wayne Gretsky get their way.

Imagine how long it would take to start secession talks if Quebecers were ever to vote on this scale for separation? Newfoundlanders should be accorded the same respect.

The rights the churches are squawking about are not basic human rights under the Charter, but special rights negotiated as part of a political deal that brought Newfoundland into Canada. Given how they have been used to discriminate against non-Catholics and divorced teachers in a way that does violate basic Charter rights, they should be stricken from the Constitution in any case.

Finally, what the RC church is asking the courts to do—declare that minority rights can't be abrogated without the consent of the minority in question, would simply lead to dead constitutions where change would be impossible.

For the sake of Newfoundland's poorly-served students and long-suffering parents, Jean Chretien should belly up to the bar and accept the result of the September 2 referendum.

It has become painfully obvious "that Newfoundland's narcissistic churches never will.

**Michael Harris, national affairs columnist, from *The Ottawa Sun*, Sept 23, 1997**

**TWO LETTERS    Excerpts from two letters written to  
*The Evening Telegram, St John's Newfoundland.***

**Children first**

As a Roman Catholic and a former member of the Humber-St Barbe Roman Catholic School Board for some 12 years, I was literally roiled by the CBC Television newscast on August 12th.

The news report said that "leaders" of the Catholic church vowed to continue the fight against a public school system even if a majority of Newfoundlanders (including Roman Catholics) gave a resounding "yes" to reform in the upcoming referendum.

Who are these people who purport to speak on behalf of all Roman Catholics? Who appointed them and what is their position? If they are clergy who work in a parish, are they in fact representative of all Roman Catholics for this particular purpose? If they are laymen in some government-paid job in education, can they purport to represent all Roman Catholic parents? And where are they getting the money to continue a court battle to retain something that their parishoners may have voted against? Are they using the Sunday collection for this purpose?

I believe it is time for Roman Catholics to ask themselves if they condone the antics of these self-appointed "guardians" of our education system and ask what their real motive is? It is inconceivable to me that if a majority of people want a particular education system, that a self-appointed group can attempt to thwart the will of those parents who have a real concern about the education system and how it affects their children.

Priests and bishops have ample opportunity to teach religious beliefs from the pulpit. Religion belongs primarily in the churches and the homes, and the church hierarchy and their lay spokesmen, none of whom are elected, should stay out of the referendum debate and let the parents decide what they want.

Jim Ronan, St John's

**Change long overdue**

It is our right, the right of the majority, to expect a level of education second to none in this country. We do not have to accept a diluted education system to accommodate the minority. It is time for the churches to take their Christian responsibilities out of the schools and into the pews where it belongs.

I ask, why should our public tax dollars be spent on the Christian education of a unidenominational school? Why should we pay a Roman Catholic or Pentecostal teacher to do the work of the church? Are we paying Integrated teachers to teach confirmation classes for a United Church student? I think not!

My children, as do other United or Anglican students, receive their sacraments through the church. All their Christian education was provided by their parents, ministers, Sunday school teachers and elders of the church, as it should be.

**Marilyn King, Grand Falls-Windsor**

## **SEPARATIST POLITICS AND NEWFOUNDLAND'S AMENDMENT**

Separatist politics seems to be getting in the way of a smooth and easy process for passage in the House of Commons of provincial referendums. Newfoundland's proposed amendment to the constitution, which would allow it to remove church control and set up one public school system for everybody, received support from 73% of voters.

Despite the approval of the Newfoundland legislature and the overwhelming result in the referendum, the federal government moved to establish a joint committee of the Commons and Senate to study the request.

Intergovernmental Affairs Minister Stephane Dion made it quite clear that the Newfoundland case is an example of what must be required for the federal government to support a constitutional change; i.e. a strong provincial consensus, consultation of the minorities affected, and strong indication of their consent.

This message seems to have equal resonance for the Quebec government's plans to hold another referendum on sovereignty in the near future.

If the federal government gives Newfoundland a hard time with support of 73% of the population agreeing with the proposed change, then they can also give Quebec a hard time if it tries to leave Canada after a majority vote in a sovereignty referendum.

Interestingly, at the same time, Quebec is also requesting a constitutional change to allow linguistic boards to replace the constitutionally-protected Protestant and Roman Catholic boards for the *denominational* schools in Montreal and Quebec City.

In the meantime, the Reform party has done an about-face on Newfoundland's request and now refuses to support a constitutional amendment to eliminate the province's church-run schools unless it is tested in a Newfoundland court. Reform's position last year was that democratic consent was the one test for any amendment, and since 55% of Newfoundland voters approved, Reformers supported it and ignored arguments on minority rights.

Despite the convolutions, both the Quebec and Newfoundland amendments are expected to pass with ease. In a free vote Chretien can count on full support from the Bloc, and most Liberals, Conservatives, and New Democrats. - ?\*

While the feeling seems to be that Commons approval is virtually guaranteed, government insiders aren't so sure either the Quebec or Newfoundland amendment will make it through the Senate, which last year refused to pass the first Newfoundland amendment.

The Senate cannot kill a constitutional amendment, but it can hold it up for six months, after which it must be passed a second time in the Commons to take effect.