

**Centre for Constitutional Studies
Faculty of Law
University of Alberta**

1988-2018

30 Years of Research and Public Education

ANNUAL REPORT 2017-2018

Fiscal Year Ending March 31, 2018



CENTRE *for* **CONSTITUTIONAL STUDIES**
Centre d'études constitutionnelles

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ABOUT THE CENTRE FOR CONSTITUTIONAL STUDIES

The Centre for Constitutional Studies is unique as the hub for constitutional research and public education in Canada. It connects leading Canadian and international scholars, contributes to constitutional debate, creates accessible educational resources, and connects constitutional experts with the public.

In addition to hosting national conferences and symposia, the Centre reaches out to the public with a variety of speakers at the University and in the community. It engages in public education and provides well-researched and accessible information on the Constitution through articles on its website and through a variety of projects and events. The Centre publishes a scholarly journal, *Review of Constitutional Studies*, and an online journal, *Constitutional Forum*, designed to encourage constitutional dialogue and debate across the country and elsewhere. The Centre works to bring the Constitution to light for Canadians so that they understand its fundamental importance to the democratic workings of our country.

Objectives

- To undertake, facilitate, and encourage multidisciplinary, interdisciplinary, and cross-sector research about constitutional issues;
- To facilitate the production of high-quality publications for scholars, the legal community, and the public;
- To promote an understanding and appreciation of constitutional issues among the public, private and *not-for-profit* sectors; and
- To serve as a resource for information and expertise about constitutional issues.

ACCOUNTABILITY AND FUNDING

The Centre for Constitutional Studies is an academic centre established at the University of Alberta and is accountable to the University through the Dean of the Faculty of Law. The Centre is generously funded by the Alberta Law Foundation (ALF) through an annual operating grant (\$338,114.00 in 2017-18) and by the University of Alberta (in kind). In 2017-18, additional sources of revenue for the Centre included subscription revenue from subscribers to the *Review of Constitutional Studies*, royalty revenues from published articles, and specific project funding from various sources within the University of Alberta, and the Social Science and Humanities Research Council of Canada (SSHRC) for a conference.

THE CENTRE'S ACTIVITIES IN 2017-18



87,214 Page views, 42,864 Users



1134 Followers



19 Posts, 1755 Views



10 Presentations to 358 U-School Students



25 Media requests



2 Conferences, 42 Cross-Canada Presenters



8 Speaker events, 875 Attendees



5 Downtown Charter Series Talks, 219 Attendees



2 Journals, 4 issues, 23 articles



28 Plain language articles

HIGHLIGHTS OF THE CENTRE'S ACTIVITIES

2017-2018 was a very busy and successful year for the Centre, both for its research and public legal education programming. Notably, 2017 marked the 150th anniversary of Confederation.

Reconciliation: *Wahkohtowin* Conference

The Reconciliation: *Wahkohtowin* Conference, hosted with the Faculties of Law and Native Studies, sought to explore the ways in which Indigenous laws can serve as models for charting a constitutional path forward. Indigenous and non-Indigenous academics, elders, legal practitioners, students, Indigenous artists, and members of the public participated in this highly successful event.

Annual Constitutional Symposium



The Symposium was held on October 27, 2017 in collaboration with the Legal Education Society of Alberta (LESA). Constitutional cases and developments of the past year were presented by twelve scholars and practitioners to an enthusiastic and engaged audience of 80 practitioners, students and academics.

Photo: Former Supreme Court of Canada Justice Ian Binnie giving the Keynote Address at the Centre's Annual Constitutional Symposium, October, 2017.

Annual McDonald Lecture in Constitutional Studies

The 29th McDonald Lecture in Constitutional Studies was delightfully presented by celebrated Canadian poet, play write, and University of Toronto professor, George Elliott Clarke, who in 2016 was appointed Canada's seventh Parliamentary Poet Laureate. His often humorous presentation focused on revisions to the *Constitution Act 1982*.



Photo: George Elliott Clarke, Canada's 7th Parliamentary Poet Laureate and 29th McDonald Lecturer in Constitutional Studies, November, 2017.

U-School Constitution Workshop

2017-18 marked the third and most successful year of the Centre's involvement in the U-School program through the teaching of a Constitution workshop. Eight law student volunteers taught 354 grade 6 students about the Constitution and the division of powers. The workshop includes a trip to the moot court room where the grade 6 students present arguments about whether health care should be a provincial or a federal power. The workshop is proving to be extremely popular with students.

Special Issue: *Review of Constitutional Studies*

Review of Constitutional Studies: "The Crown in the 21st Century". Articles in this special issue of the *Review*, funded by the Weston Foundation, were originally presented at a conference in Victoria, BC in January 2017 organized by the Institute for the Study of the Crown in Canada.

RESEARCH IN 2017-18

Reconciliation: *Wahkohtowin* Conference



The culminating conference of a three-part series, designed to mark Canada's 150th anniversary of Confederation, was held September 22-23, 2017 at the Edmonton Marriott at River Cree Hotel on the Enoch Reserve. The first two conferences were organized by the University of Ottawa and Université de Montréal and they examined foundational constitutional moments in our history – confederation and patriation. The Reconciliation: *Wahkohtowin* Conference, organized with the Faculties of Law

and Native Studies, sought to explore the ways in which Indigenous laws can serve as models for charting a constitutional path forward. Twenty-five Indigenous and non-Indigenous scholars presented at the Conference on subjects such as unsettling reconciliation, recognizing Indigenous legal orders, *Wahkohtowin* in action, Indigenous governance, and rethinking the Constitution and legal orders. Elders told stories, and Indigenous performances reflected Indigenous legal traditions. One hundred and eighty people attended including elders, students, lawyers and Indigenous and non-Indigenous members of the public. The Centre published summaries of the Conference in October, 2017 and some papers will be published in forthcoming issues of the Centre's two journals, the *Review* and the *Forum*. A second *Wahkohtowin* conference is now being planned.



Photo: Performance by Indigenous artist at the Reconciliation: Wahkohtowin Conference, September 2017; Second photo: Student Volunteers and staff of the Centre for Constitutional Studies at the Reconciliation: Wahkohtowin Conference, 2017.

Annual Constitutional Symposium

The Symposium was held on October 27, 2017 at the Sutton Place Hotel in collaboration with the Legal Education Society of Alberta (LESA). This day-long event included scholars from U of Alberta and U of Calgary as well as private practitioners from BC, and Alberta presenting constitutional cases and developments of the past year. Retired Supreme Court of Canada Justice Ian Binnie gave the keynote lecture, "Constitutional Interpretation 150: Looking back and Looking Forward". The Symposium addressed a range of topics, including issues of federalism, Indigenous peoples and the division of powers, prospects of incorporating a right to healthy environment in Canada's *Charter of Rights and Freedoms*, Alberta's response to the *R v Jordan* decision, regulating expression, and the tricky issue of accessing locked digital devices.

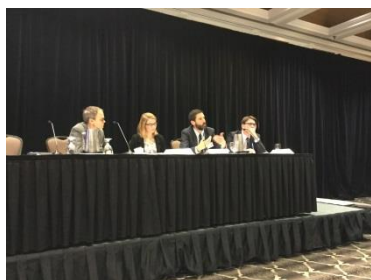


Photo: Prof. Eric Adams, Prof. Anna Lund, Prof. Martin Z. Oszynski, and Prof. Malcolm Lavoie at the Centre's Annual Constitutional Symposium, October, 2017.

Centre Publications: *Review of Constitutional Studies*



The Centre published two issues of the *Review* - 22.1 and 22.2 - one of which was a special issue (22.1) titled “The Crown in the 21st Century”. This special issue contained articles from a conference of the same name organized by the Institute for the Study of the Crown in Canada. It was a bonus issue for subscribers and financially supported by the Weston Foundation. Issue 22.2 was published in September 2017 and included the two winning articles from the Baxter Essay Competition on Federalism for 2017.

Additionally, work on issue 22.3 which includes papers from the Reconciliation: *Wahkohtowin* conference began last year.

Centre Publications: *Constitutional Forum*

The Centre published two issues of the *Forum*, issue 26.2 and 26.3, in 2017-2018. Issue 26.2 is a significant Special Issue titled “Patriation Papers: A View from Saskatchewan” by Howard Leeson and includes never-before-published notes from meetings held prior to the last patriation negotiations meeting in November 1981. As a result, it has attracted significant attention across the country. Issue 26.3 includes four articles on the *R v Jordan* decision and was published in June 2017. Work on Issue 26.4 which includes shorter articles from the Reconciliation: *Wahkohtowin* conference began and this issue was published in July 2018.



PUBLIC LEGAL EDUCATION 2017-18

The Centre’s public education program included a wide range of speakers and events: a rich Speaker Series with speakers from across Canada, the Downtown Charter Series presentations offered by Law faculty members; Constitution workshops for grades 5/6 students delivered by law student volunteers; 28 plain language articles (feature articles on constitutional issues, commentary on key Supreme Court of Canada judgments, and keyword explanations) written by law students; and work on an interactive web-based project on the patriation of the Constitution.

Speaker Series

The Centre organizes events where scholars, practitioners and other experts speak about constitutional issues in which they have expertise. Our audiences range from students, to policy experts, the media, legal practitioners and members of the public who can benefit from the information provided. In 2017-18 the Centre hosted seven speakers including Quebec’s Minister for Canadian Relations and Canadian Francophonie, Jean-Marc Fournier, legal historian and scholar James Muir, James Turk the Director for the Centre for Free Expression & Distinguished Visiting Professor at Ryerson University, and Peter Hogg, renowned Professor Emeritus and scholar of Constitutional Law. The constitutional issues addressed through this series included conversations on Canadian federalism, the historical evolution of Confederation, free speech on campus, First Nations freedom of religion, remedies for unconstitutional actions, and a debate on the constitutionality of separate school systems. Video recordings for most of these speaker events are available on the Centre’s YouTube channel which can be accessed [here](#).

Annual McDonald Lecture in Constitutional Studies

Each year the Centre organizes and hosts the McDonald Lecture in Constitutional Studies which is supported through an endowment provided by the McDonald family to the Faculty of Law in honour of the late Justice David McDonald of the Court of Appeal of Alberta. This year, the McDonald Lecturer was celebrated Canadian poet, play write, and University of Toronto professor, George Elliott Clarke, who in 2016 was appointed Canada's seventh Parliamentary Poet Laureate. He shared his views on how Canada's Constitution could be amended to better reflect the country's modern multicultural character in a talk entitled *Toward the Next Round of Constitutional Talks: Revising the Constitution Act, 1982*. This 29th annual McDonald Lecture in Constitutional Studies was presented at the Law Centre on Thursday, November 23, 2017 and was well attended by members of the public, the bar the judiciary and the University community.

Downtown Charter Series

The Centre organized five sessions on specific sections of the *Charter of Rights and Freedoms*, taught by University of Alberta law professors at Enterprise Square in downtown Edmonton. The Downtown Charter Series talks are an excellent opportunity for the University to fulfill its strategic priority 'For the Public Good'. This is an incredibly popular series and there is constant demand from the public for more sessions of this nature. Topics covered during the past year included a basic introduction to the *Charter of Rights and Freedoms*, *Charter* interpretation, remedies for *Charter* violations, differences between *Charter* rights and Human rights, and assessing the constitutionality of evidence obtained for criminal matters. The audience generally includes members of the general public, those engaged in education and non-profit sectors, government workers, lawyers, and retired individuals.



Photo: Prof. Steven Penney Section 10 and Right to Counsel, January 2017.

Summer Student Program



The Centre's summer student program is central to producing plain language articles available on the Centre's website. In 2017-18, the Centre hired three law students (Coleman Brinker (3L), Raymond Chen (2L), and Katherine Creelman (2L)) to write plain-language articles on the Constitution and constitutional issues. The students produced a total of 28 articles, which included 21 articles on constitutional issues and cases, and 7 constitutional keyword explanations. Here is a selection of articles they produced:

- [The Senate Reference: Supreme Court outlines Constitutional road to reform](#)
- [Your right to live in a healthy environment: phantom or reality?](#)
- [Carbon tax showdown: where will your money go?](#)
- [The Free Press: No freedom without source protection](#)
- [Judicial independence vs. accountability: Training judges on sexual assault](#)
- [Solitary Confinement vs. the Charter of Rights and Freedoms](#)

- [Safe Injection Sites: How the Supreme Court got it right with Insite](#)

Two of the students also collaborated with the Elizabeth Fry Society to contribute a section to their handbook called “Human Rights in Action” specifically on rights that incarcerated women should know about.

The summer students also had an opportunity to meet and interact with J. Peter Meekison, Distinguished University Professor Emeritus of Political Science at the University of Alberta. Professor Meekison served as the Deputy Minister of Federal and Intergovernmental Affairs during Premier Peter Lougheed’s third and fourth terms and participated in numerous negotiations and conferences with other governments, especially during the patriation negotiations from 1980 to 1981. He helped develop the formula, tabled by Alberta, which ultimately became the Amending Formula in the Constitution Act, 1982. As the constitutional adviser to the Government of Alberta for more than twenty years, he was also actively involved in discussions leading to both the Meech Lake and the Charlottetown Accords.

Photo: Summer Students from left, Coleman Brinker (3L), Raymond Chen (2L), Distinguished Professor Emeritus Peter Meekison, Catherine Creelman (2L)



U-School - Constitution Workshop

The Centre has developed a Constitution Workshop for grade 6 students about Confederation, the Constitution, and the division of powers between the federal and provincial governments in Canada. 2017-18 marked the third and most successful year of the Centre’s involvement in the U-School program which is organized by the University of Alberta Senate and is aimed at introducing and connecting students from socially vulnerable, Indigenous and rural communities to the

University of Alberta. Law students volunteer to teach these workshops which include a trip to the law school moot court room where students present arguments to a law student judge about whether health care should be a provincial or a federal power. This year, the ten sessions on the Canadian Constitution and the division of powers were taught by 8 law student volunteers to 354 grade 6 students.



Photo: U School Workshop taught by law students to grade 6 students from Kameyosek School, December 2017; U-School student at the moot court.

Centre’s Website

The Centre’s [website](#) contains several plain language articles about constitutional issues and cases, constitutional keywords and information on conferences and events hosted annually by the Centre. It includes links to YouTube videos of speaker events and podcasts of interviews with Constitutional scholars and experts. Links to articles published in the Centre’s academic journals, the *Review of Constitutional Studies* and the *Constitutional Forum*, are also available on the website. During 2017-18, the website received 71,882 unique (that is, new) page views and had 42,864 users. It was accessed by individuals in both Canada and internationally (for example, the United States, United Kingdom, India and Australia were the top four countries from which our readers originated).

Media Resource and Expert Commentary

The Centre is frequently consulted for information and expertise on constitutional issues by the public, the media, and by other organizations. In 2017-18 the Centre received 25 calls from newspaper and television reporters across Canada requesting information on a range of issues, including but not limited to the appointment of Supreme Court Justices, Québec wanting to re-open constitutional negotiations, constitutional provisions on Catholic school education in Canada, and federalism issues stemming especially from the expansion of the Trans-Mountain Pipeline.



Law Day

On April 22, 2017 the Centre participated in Law Day at the Edmonton Law Courts by presenting a Constitutional Appeal. This year's topic involved the constitutionality of police searching garbage at the back of someone's house for evidence of illegal drug manufacturing. Two volunteer lawyers argued the appeal before Court of Queen's Bench of Alberta Justice Ross. The event was attended by 40 people, many of whom were teenagers, and all were actively engaged by Justice Ross in assisting with her decision.

Photo: Law Day, Court of Queen's Bench of Alberta, April 22, 2017

Patriation Interactive – Supreme Law

This is a multi-year collaborative project between the Centre and the National Film Board to produce a web-based, interactive resource that is accessible to 16-24 year olds on the patriation of Canada's Constitution. The project, which will be available on the web, was begun as a result of the Centre's Patriation Negotiations Conference, held in 2011. It presents the patriation process from several perspectives – Indigenous Peoples', the West's, Québec's, Women's and Pierre Elliott Trudeau's – and includes interviews with politicians and public servants who reflect on the contentious events during the patriation process, as well as film footage from the time of the negotiations. The Executive Director of the Centre, Patricia Paradis, along with members of the Centre's Board of Directors – Professor Lois Harder, Professor Steve Patten, Professor James Muir and Professor Linda Trimble – have worked extensively on the project. 'Supreme Law' is due to be released in early 2019.

THANK YOU

The Centre's accomplishments in 2017-18 are owed to the efforts and support of great many individuals. We would like to thank student researchers and volunteers, scholars and faculty members in Law, and the departments of Political Science, Native Studies and Sociology at the U of Alberta and across the country for presenting at various Centre hosted events, contributing to our journals, and as members of editorial boards and the Centre's Advisory Board. We would also like to thank members of the community who attend our events and who are integral to our work.

Advisory Board Members

Justice Kevin Feehan (Chair)

Professor Catherine Bell

Professor Barbara Billingsley (Vice-Chair)

Professor Dominique Clement

Professor Lise Gotell
Professor Nathalie Kermoal
Professor James Muir
Judy Piercey (Community Member)

Justice June Ross
Tom Rothwell (Alberta Justice)
Professor Linda Trimble
Matthew Woodley (Reynolds Mirth)

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Coleman Brinker
Raymond Chen
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