

**The Catholic Education Council of Newfoundland and Labrador:**

**A Case Study in Interest Articulation**

**by**

**Michelle T. Clemens**

**A thesis**

**submitted in partial fulfilment**

**of the requirements for the degree of**

**Master of Education in the Faculty of Education**

**University of Manitoba**

**© May 1999**



National Library  
of Canada

Acquisitions and  
Bibliographic Services

395 Wellington Street  
Ottawa ON K1A 0N4  
Canada

Bibliothèque nationale  
du Canada

Acquisitions et  
services bibliographiques

395, rue Wellington  
Ottawa ON K1A 0N4  
Canada

*Your file Votre référence*

*Our file Notre référence*

The author has granted a non-exclusive licence allowing the National Library of Canada to reproduce, loan, distribute or sell copies of this thesis in microform, paper or electronic formats.

The author retains ownership of the copyright in this thesis. Neither the thesis nor substantial extracts from it may be printed or otherwise reproduced without the author's permission.

L'auteur a accordé une licence non exclusive permettant à la Bibliothèque nationale du Canada de reproduire, prêter, distribuer ou vendre des copies de cette thèse sous la forme de microfiche/film, de reproduction sur papier ou sur format électronique.

L'auteur conserve la propriété du droit d'auteur qui protège cette thèse. Ni la thèse ni des extraits substantiels de celle-ci ne doivent être imprimés ou autrement reproduits sans son autorisation.

0-612-45033-3

**Canada**

**THE UNIVERSITY OF MANITOBA**  
**FACULTY OF GRADUATE STUDIES**  
**\*\*\*\*\***  
**COPYRIGHT PERMISSION PAGE**

**The Catholic Education Council of Newfoundland and Labrador: A Case Study in  
Interest Articulation**

**BY**

**Michelle T. Clemens**

**A Thesis/Practicum submitted to the Faculty of Graduate Studies of The University  
of Manitoba in partial fulfillment of the requirements of the degree  
of**

**MASTER OF EDUCATION**

**MICHELLE T. CLEMENS©1999**

**Permission has been granted to the Library of The University of Manitoba to lend or sell  
copies of this thesis/practicum, to the National Library of Canada to microfilm this thesis and  
to lend or sell copies of the film, and to Dissertations Abstracts International to publish an  
abstract of this thesis/practicum.**

**The author reserves other publication rights, and neither this thesis/practicum nor extensive  
extracts from it may be printed or otherwise reproduced without the author's written  
permission.**

## **Acknowledgments**

I first wish to acknowledge the guidance and advice of my committee members, Dr. John Long (chair), Dr. John Stapleton and Professor Emeritus Kenneth Osborne, with particular thanks to Dr. Long for his patience (and creativity) in dealing with an out of province student. Thanks also to many individuals, especially Dr. Philip Warren, Mr. Clyde Wells, Mr. Peter Sutherland, Mr. Gerald Fallon, Mr. Doug Letto, Dr. Robert Crocker and Mr. Sandy Goulding, who gave of their time and experience during this protracted case study. I also want to acknowledge, posthumously, the help of Dr. Austin Harte formerly of Memorial University's Faculty of Education, whose early questions and suggestions helped to focus the research. To Dr. Grassier of the Political Science Department, Memorial University, a thank you for chats which reassured me that I was interpreting the flavour of the case appropriately. To Simon Lono and Roz Jackman of Executech Transcriptions and Business Services for their support of this graduate student. Finally, of course, I say thank you to my family, particularly my mother and husband for their support and prodding through the whole thesis journey, and to my father and stepmother for recognizing, like Virginia Woolf, that writers need a room of their own, and giving me one in their house.

## **Abstract**

Historically the school system in Newfoundland and Labrador has been organized on denominational lines. In 1992, the Royal Commission on Education tabled its report after a public study into the organization and delivery of primary, elementary and secondary education in that province. A focal recommendation of the report was to reorganize schools along neighbourhood lines and not denominational lines and to drastically alter the input and control that the churches had over the school system in that province. This recommendation by the Commission met with strong resistance by all of the churches with a vested interest in education. The Roman Catholic Church saw its legislatively mandated Catholic Education Council as an important vehicle in any attempt to prevent this shift in governance from taking place. As a body regulatory of Catholic schools and advisory to the Minister of Education and the Cabinet, the CEC engaged in a process of interest articulation with the provincial government using its institutional status and legal powers to sustain its role as a denominational advocate. This study examines its advocacy role especially during 1993 - 95, when competing proposals of school governance were advanced by the CEC (along with other churches), and by the government. The study shows that the decision of the government to hold a referendum on schooling arrangements and to pass a constitutional resolution to reduce the dominance of the churches in school governance was a significant loss for the CEC, especially in light of the subsequent developments - a second referendum and a new constitutional resolution. The study concludes that, in the final analysis, the CEC failed to prevent a reorganization of the governance of schools in the province along non-

denominational lines and that the loss of the referendum in 1995 was the beginning of the end of denominationalism in the school system of Newfoundland and Labrador.

## Table of Contents

|  |    |
|--|----|
| Acknowledgements.....  | i  |
| Abstract .....   | ii |
| Table of Contents.....   | iv |
| List of Figures.....   | vi |
| CHAPTER 1  |    |
| NATURE OF THE STUDY .....  | 1  |
| Background and Purpose of the Study .....  | 1  |
| Conceptual Framework .....   | 4  |
| Methodology and Data Sources .....   | 8  |
| Delimitations and Limitations.....   | 10 |
| Outline of Chapters .....  | 12 |
| NOTES .....  | 14 |
| CHAPTER 2  |    |
| DENOMINATIONAL EDUCATION IN NEWFOUNDLAND .....   | 16 |
| Origin and Development of Denominational Schooling .....   | 16 |
| The CEC as a Denominational Advocate .....   | 21 |
| NOTES .....  | 26 |
| CHAPTER 3  |    |
| ADJUSTING THE COURSE OF DENOMINATIONALISM, 1992-94 .....   | 28 |
| Denominational Classes and the Royal Commission of 1992.....   | 28 |
| A New Model of School Governance: "Coterminous and Cooperative School<br>Districts Model and a Provincial Structure" ..... | 30 |
| The Government's Response to the Churches: <i>Adjusting the Course</i> .....   | 39 |
| NOTES .....  | 47 |
| CHAPTER 4  |    |
| THE REFERENDUM AND THE BROADER PUBLIC DEBATE .....   | 50 |
| The Referendum Idea .....  | 51 |
| Preachy Pundits and Opinionated Citizens.....  | 56 |
| Editorial Advice Too .....   | 62 |
| The Referendum and Wells' Last Stand.....  | 62 |
| NOTES .....  | 66 |

|  |     |
|--|-----|
| <b>CHAPTER 5</b>   |     |
| <b>THE CATHOLIC EDUCATION COUNCIL AS AN INTEREST GROUP</b>   | 72  |
| The Denominational Issue and the Interests of the CEC        | 72  |
| Specific Efforts of the CEC to Advance Its Interests         | 73  |
| NOTES  | 83  |
| <b>CHAPTER 6</b>   |     |
| <b>SUMMARY AND CONCLUSIONS</b>                               | 87  |
| What Were the Interests of the CEC During 1993-95?           | 87  |
| How Did the CEC Pursue Its Interests?                        | 88  |
| Was the CEC Successful in Advancing its Interests?           | 90  |
| Epilogue: Was the CEC "Guardian of a Ghost"?                 | 93  |
| Suggestions for Further Study                                | 100 |
| Postscript   | 101 |
| NOTES  | 103 |
| <b>BIBLIOGRAPHY</b>  | 106 |
| <b>APPENDICES</b>  | 115 |
| <b>APPENDIX A</b>  | 116 |
| Terms of Union Term 17                                       | 117 |
| <b>APPENDIX B</b>  | 118 |
| List of Recommendations Pertaining to Denominational Schools | 119 |
| <b>APPENDIX C</b>  | 122 |
| Interview Schedule   | 123 |
| <b>APPENDIX D</b>  | 125 |
| Mission Statement of the CEC                                 | 126 |
| <b>APPENDIX E</b>  | 127 |
| Referendum Question 1995                                     | 128 |
| <b>APPENDIX F</b>  | 130 |
| Section 43 of the Constitution Act, 1982                     | 131 |
| <b>APPENDIX G</b>  | 132 |
| Report on Plebiscite, 1995                                   | 133 |
| <b>APPENDIX H</b>  | 135 |
| Referendum Question 1997                                     | 136 |



## **List of Figures**

**Figure 1 School District Model .....32**

**Figure 2 Provincial Model .....36**

## **CHAPTER 1**

### **NATURE OF THE STUDY**

#### **Background and Purpose of the Study**

In 1992, the government of Newfoundland and Labrador published Our Children, Our Future, a Royal Commission study of schooling in the province of Newfoundland and Labrador.<sup>1</sup> The Commission said it “rejected the proposition that fine-tuning the existing system could adequately address the problems confronting it”<sup>2</sup> and instead, proposed reform including

...the development of a new mandate for schooling; the restructuring of the system’s administration at the provincial, school district and school levels and the establishment of non-denominational school boards in place of the present system; the full involvement and enfranchisement of the public in the governance of the system.... More specifically it proposes publicly elected school boards funded on the basis of need, teachers employed on professional merit, church involvement at the provincial and school levels, and appropriate religious education programs for all school students.<sup>3</sup>

The Commission said that it recognized that its proposal “challenged what are, for some people, very important values and traditions, especially those which touch on separate denominational schooling.”<sup>4</sup> Further it said it recognized that its proposals “may conflict with some of the constitutional guarantees placed in Newfoundland’s Terms of Union with Canada in 1949” (see Appendix A).<sup>5</sup> However, the Commission said it was not prepared to accept “that the wording or spirit of these rights and these privileges established decades ago were intended to paralyse the system in perpetuity.”<sup>6</sup> Therefore the Commission sponsored the new model for schooling in Newfoundland and Labrador

which it contended was a “model designed both to preserve the accepted aims of public education and to recognize the traditional partnerships between church, state and education.”<sup>7</sup> That model was essentially a modification of the existing denominational system because, on the Commission’s judgement at the time of its report, “the vast majority of Newfoundlanders were not in favour of creating a secular, public system of schooling”.<sup>8</sup> The Commission carefully noted that “although most people do not want to retain a denominational school structure, most do want the opportunity for spiritual and religious education and a church presence within the process of education.”<sup>9</sup> Certainly the heart and soul of the Commission’s new model was contained in its proposed adjustments to the governance of the schools and notably the role of the churches in this (see Appendix B).<sup>10</sup> The reworking that would be necessary to achieve this adjustment and the disengagement of the churches that would be required to realize the new order in schooling was sketched (prophetically, it appears, given subsequent events) by the Commission in this way:

...the only way to achieve a fully integrated system, except for voluntary agreement on the part of the holders of the rights and privileges, may be a Constitutional amendment. This would involve the removal or radical reworking of Article 17 of the Terms of Union. However, the Commission believes that just as in 1969, five churches were able to join together and form a single system, now in 1992, it is possible for all churches to disengage further and create a new system which will preserved the valued Christian character of schooling, and at the same time recognize the educational, economic and social advantages of participating in a cooperative approach to schooling.<sup>11</sup>

However, the new schooling model proposed by the Commission and the several detailed recommendations designed to achieve it antagonized the seven religious groups

whose denominational rights were guaranteed in the Terms of Union, 1949. Though the government assured the denominations that the religious character of the Newfoundland school system would remain intact, the denominations felt this move would be an infringement on their entrenched constitutional rights. The Commission's report and the government's apparent adoption of the recommendations, which especially called for a change in the churches' role in schooling governance, spurred a series of public and political actions by all denominational groups including the Catholic Education Council (CEC). This study examines the political actions that the Catholic Education Council took to fight the provincial government's decision to restructure the school system in ways which departed from the traditional denominational system. As such, the examination focuses on the interest articulation process of the Catholic Education Council in its struggle, during the period 1993 - 1995, to preserve denominational education in Newfoundland and Labrador and the role of the Catholic Church in the governance of Catholic schools, following the report of the Royal Commission. The research questions to be answered were these:

- 1) What were the interests of the Catholic Education Council in this struggle?
- 2) How did the CEC pursue these interests? That is, what political pressure techniques were employed by the CEC to preserve the denominational school system more or less as it had operated under Term 17? Further, what political and legal avenues did the CEC use to advance its position to secure or obtain educational arrangements, policies, and practices acceptable to it?
- 3) In general, to what extent was the CEC successful in shaping the political

commitments and actions of the government of Newfoundland and Labrador on schooling governance, especially during 1993 - 1995?

Indeed, the Newfoundland school reform case is both interesting and significant because of the constitutional rights of religious groups that are involved and the historically entrenched nature of denominational education in the province. The move by the government of Newfoundland and Labrador to change the nature of denominational education resulted in a major conflict with the CEC, given its essential aim to preserve the educational system largely as it had developed in the province. A careful look at the recent developments of this controversy can reveal the process one important interest group initiated to preserve historic guarantees, the degree of success it obtained in its defence of them, and what factors might explain its failure to do so.

### Conceptual Framework

The purpose and focus of this study invites the clarification of a number of concepts. In this instance, the interest group examined is the Catholic Education Council(CEC) of Newfoundland and Labrador. Miller says that “an interest group exists when we see some body of persons showing a common concern about particular matters”,<sup>12</sup> usually in relation to existing or projected governmental policy or action. As Long has observed “it is customary to speak of interests in their organized form as interest groups or pressure groups and it is usual to direct attention to the methods which groups use to influence others in society, especially government.”<sup>13</sup> The originating mandate or function of the CEC suggests its interests:

1) to act for its church or churches in all matters where the church or churches

have educational rights or responsibilities, 2) to act as the official channel of communication between the Council and the Minister of the Department of Education, 3) to have the responsibility to make recommendations regarding school district boundaries, selection of board members, training and certification of teachers and, 4) to have full responsibility for religious education in the schools.<sup>14</sup>

Given the responsibilities of the CEC, it can also be considered an institution, as Truman argues, since it is characterized by "a relatively high degree of stability, uniformity, formality and generality."<sup>15</sup> In the period under study, the CEC is, indeed, an entity which is organized, stable and a formal and accepted part of the educational system in Newfoundland and Labrador. Formed in 1969 by The Department of Education Act, the CEC is, in fact, a subcommittee of the province-wide Denominational Education Committee which has specific rights and responsibilities under the Act. It drew its budget from the Department of Education and had operated in the same capacity for twenty-five years; it was very much an accepted part of the province's educational construction.<sup>16</sup>

As an institution, the CEC's potential ability to influence the government of Newfoundland and Labrador was substantial since an essential aspect of its mandate was to protect those rights which were proposed for revision. Influence, for the purpose of this study is that definition proposed by Dahl. "Influence", he says, "is a relation among actors such that wants, desires, preferences, or intentions of one or more actors affect the actions, or predispositions to act of one or more other actors."<sup>17</sup> As an institution formed through an act of legislation to monitor and implement the rights and privileges of a legally constituted body or group, whose rights are Constitutionally entrenched by the

Terms of Union, 1949, the CEC might reasonably be expected to affect certain actions, policies or predispositions of other actors or organizations within the domain and scope of its influence.

"The domain of an actor's influence consists of the other actors influenced by him", says Dahl.<sup>18</sup> In this instance, the domain of the CEC certainly included the provincial government, school boards, schools, and teachers. The scope of an actor's influence "refers to the matters on which he [an actor] can influence them [other actors]."<sup>19</sup> For the CEC, the scope of its influence might be seen as at least Term 17 of the Terms of Union, 1949 which established certain denominational rights and privileges in schooling and the policy intentions of the provincial government in relation to the conduct and governance of denominational schooling.

Policy, also according to Dahl, "is a bridge between what one thinks will be if one does not act and what one believes ought to be. It is the path to the best alternative a person can obtain at a cost one is willing to pay."<sup>20</sup> Policy may also be considered "a situational element in politics encouraging the bargaining of interest groups with government over policy alternatives."<sup>21</sup> The Newfoundland government, in its examination of the school system, called for a Royal Commission and solicited briefs from any group or individual with a stake in education. Further, the government engaged in negotiations with the CEC, once the CEC rejected their proposal for a reorganized school system.<sup>22</sup> Indeed, since the release of the Commission's findings in 1992, bargaining has been going on continually regarding the governance and structure of the school systems in Newfoundland.

The foregoing suggests that the CEC is, therefore, a formal interest group which attempts to influence the government to sustain a policy which already exists in legislation or tries to prevent the adoption of any alternative arrangements unacceptable to it. How, though, is this objective to be achieved? We might say that it can be achieved through the process of interest articulation. Interest articulation, as defined by Wirt and Kirst<sup>23</sup> is a three-point process. First, demands are made by some group upon the institution of government. These demands may be made through access channels inside the governmental system, through the Ministers or their staffs. Demands may also be made by individuals or groups outside the governmental system, that is, by community interest groups, educational professionals, lawyers, clergy and/or business associations. Conversion, the transformation of demands into policies or outcomes favourable to an interest group or a change in a proposed decision in a favourable direction, is sought through a variety of structures, including the bureaucracy, political parties and/or committees which exist or are established to study certain issues.<sup>24</sup>

An organization's potential for effective influence cannot be guaranteed by merely going through the process of articulating an interest and attempting to have others accept it or fully satisfy it. A variety of factors can affect the probability of success for one group or another. The power base of an actor relative to other actors or those individuals making demands, is a crucial factor in the success of any interest articulation. According to Mann<sup>25</sup>, a group's potential to influence is based on at least five factors. The first measure of a group's potential to influence is its base of power. This encompasses its legal standing in relation to other political actors, and its ability to levy



sanctions. Secondly, the group must have the means for the expression of its power. Can it cause a boycott, circulate an effective petition, generate editorials or initiate a whisper campaign? The scope of the group's power is the third aspect of the potential for influence and this refers to the substantive matters on which it can likely influence other actors. How completely or effectively the group can constrain the actions of another group is the fourth element of its potential influence. The final element is the probability that the group's exercise of power will be effective, that is, how likely is the act of power to actually affect, alter or change the behaviour of its targeted actors? All of these aspects of the CEC's influence or potential power will be examined in this study.

### Methodology and Data Sources

The research method most appropriate for this study is the case study because it can "provide a sense of the rich nuance, detail, and complexity of the real world of policy-making."<sup>26</sup> Merriam acknowledges that "a qualitative case study is an intensive, holistic description and analysis of a bounded system".<sup>27</sup> By its particular nature, a case study can examine a specific instance but also illuminate a general problem. By its descriptive nature, it can illustrate the complexities of a situation, the fact that not one but many factors contributed to it. It can also show the influence of personalities on the issue and it can show the impact of the passage of time on the issue, and the changes which result. In short, the heuristic quality of a case study can explain the reasons for a problem, the background of a situation, what happened and why. Therefore, the primary method of study here is a case study of the actions and intentions of the CEC as it pursued its interests in relation to the denominational question in Newfoundland's

educational system during the period following the report of the Royal Commission to the Referendum of September, 1995.

A review of the history of the development of Newfoundland's educational system, as it relates to denominational schooling, was necessary to ground the study in a particular cultural and religious milieu. A review of the role of the CEC in Newfoundland education should clarify the domain and scope of its influence, including a review of the public relations activities related to the denominational question implemented by the CEC in 1993-94. Structured interviews were conducted with the director of the Catholic Education Council, other individuals who were informed about or who had a stake in the issue of denominationalism, and members of the government working on proposals to reorganize the educational system in light of the Royal Commission's recommendations, the positions of the several religious interest groups in Newfoundland and the government's own ambitions. This study relied on a number of primary sources. The following ones were of special importance:

- \* Our Children, Our Future: The Royal Commission of Inquiry into the Delivery of Programs and Services in the Primary, Elementary, Secondary Education.

- \* Adjusting the Course: Restructuring the School System for Educational Excellence (November, 1993)<sup>28</sup>

- \* Adjusting the Course: Part II Improving the Conditions for Learning (Revised, February, 1994)<sup>29</sup>

- \* Coterminous and Cooperative School Districts Model and A Provincial Structure<sup>30</sup>

\* Selected letters exchanged between the government, the CEC and church leaders regarding the continuing debate on the governance of denominational schools.

\* Articles from the Evening Telegram and The Express. These newspaper articles were used to gauge public reaction and interest in the denominational schooling issue, though they were not considered as fully representative of public opinion.

The first round of interviews took place from March 27-31, 1994 in St. John's, Newfoundland.<sup>31</sup> All individuals were interviewed according to the schedule outlined in Appendix C. Individuals interviewed were the Executive Director of the CEC, Mr. Gerald Fallon, the Chairman of the committee responsible for Adjusting the Course, Dr. Robert Crocker, Mr. Sandy Goulding, Executive Assistant to the Minister of Education in 1994; Mr. Peter Sutherland, President of the Newfoundland and Labrador Teachers' Association in 1995; and Mr. Doug Letto, Legislative reporter for C.B.C. Television. In July of 1996, Dr. Phil Warren was interviewed as his name came up in several interviews as having some role in the negotiations between the CEC and the government. Finally, Mr. Clyde Wells, Premier of the province during the period of study (he retired in December 1995,) was interviewed in August, 1997. Information from the interviews was used to examine the process the CEC employed in its attempt to influence the government not to change the policy on denominational education from that set out in Term 17 of the Terms of Union of 1949, and in general, to answer the three research questions posed in this study.

### **Delimitations and Limitations**

The purpose of this study was to examine the efforts of the Catholic Education

Council, as a denominational advocate, to preserve the denominational character of the Newfoundland educational system during 1993-1995. The study was not an examination of the internal workings or internal constituencies which help make up the CEC.

Additionally, the efforts examined were those which were focussed on the government of Newfoundland and Labrador or its immediate representatives. This means that the CEC and the government were treated, more or less, as unitary entities and such treatment is recognized as a limitation of the study. While legal and constitutional matters will be cited in the study, it is not the primary intent of this study to evaluate the legality and/or constitutionality of the claim for or against denominational education. Nor is the purpose of this study to support or reject the position encountered on moral or ethical grounds. However the fate of such claims will be noted.

While several individuals were interviewed for this study, there is no assumption that these were the only actors involved. Other actors and groups may have been influential in the outcome of the controversy, indeed, probably were, given the complexity of the issue. Also, the researcher recognizes that the quality of the information obtained from any interview is subject to errors of memory, perception, judgement, and unconscious bias. In a qualitative study, there is no absolutely reliable way to compare the testimony of one person with that of another and the possibility of missing data is accepted. Further, any conclusions reached are specific to the time, place and focus of the study and are not generalized to any other situation or set of circumstances.

## Outline of Chapters

The report of the thesis consists of six chapters. Chapter 1 introduces the study by outlining its nature, purpose, significance, conceptual framework the case study methodology used and the data sources relied upon.

Chapter 2 outlines the history of the development of denominational education in Newfoundland to 1992. It also highlights the statutory powers of the religious organizations involved in education and attempts to profile the domain and the scope of the CEC's influence, at least potentially.

Chapter 3 focuses on the emergence of denominationalism as a contentious issue in Newfoundland politics especially after the Royal Commission had reported. The 1992 Royal Commission on Education recommended a dramatic change in the governance of schools and the churches' role in both governance and religious education. This chapter shows that the government's response to the Commission, Adjusting the Course, sought primarily to curtail the privileges of the churches in denominational schooling and that this response was so contentious that a virtual stalemate in government-church negotiations prevailed by early 1994.

Chapter 4 reveals the circumstances and considerations which led the government of Newfoundland and Labrador to address this stalemate by a province-wide referendum on schooling arrangement. Also this chapter outlines the main currents of public opinion which informed the wider debate over whether a denominational presence in schooling should be retained, abandoned or modified. This chapter shows that by 1995 the CEC was increasingly vulnerable to both public and government initiative, especially

following the referendum in September, 1995.

Chapter 5 analyses the process of political negotiation and the specific efforts of the Catholic Education Council to advance its interests with government. This chapter pays special attention to the proposals of both the churches and the government as the issue developed, and the political dynamics which led to the government's eventual proposal for a provincial referendum on the issue. This chapter shows that the referendum idea was very hostile to the CEC's interests and was the beginning of the end of its capacity to influence government policy on school governance.

Chapter 6 returns to the research questions posed in chapter 1 and attempts to decide the degree to which efforts of the CEC to articulate its interests were or were not effective in influencing the actions of the Newfoundland and Labrador government on the denominational question. Finally, an explanation is offered to account for the outcome evident to all by September, 1997 when a new referendum proposed the removal of any denominational presence in school governance.

## NOTES

### Chapter 1

1. Government of Newfoundland and Labrador, Our Children, Our Future: The Royal Commission of Inquiry into the Delivery of Programs and Services in Primary, Elementary and Secondary Education, (St. John's: Government of Newfoundland and Labrador, 1992).
2. Our Children, Our Future, xvi.
3. Our Children, Our Future, xvi.
4. Our Children, Our Future, xvi.
5. Our Children, Our Future, xvi.
6. Our Children, Our Future, xvi.
7. Our Children, Our Future, 215.
8. Our Children, Our Future, xviii.
9. Our Children, Our Future, xvii-xviii.
10. See chapter 10, "Planning for Success: Governance" in Our Children, Our Future, 215-256.
11. Our Children, Our Future, xviii.
12. J. D. Miller, The Nature of Politics, (Harmondsworth: Penguin Books, Ltd., 1962), 14.
13. J.C. Long, "The Transferability Issue in Alberta: A Case Study in the Politics of Higher Education" (Unpublished Pd.D. dissertation, University of Alberta, 1979), 6.
14. Frederick W. Rowe, Education and Culture in Newfoundland (Toronto: McGraw-Hill Ryerson Limited, 1976), 163.
15. David Truman, The Governmental Process, (New York: Alfred A. Knopf, 1971), 26.
16. Rowe, 163.

17. Robert A. Dahl, Modern Political Analysis (New Jersey: Prentice-Hall, 1976), 30 .
18. Dahl, 33.
19. Dahl, 33.
20. Dahl, 140.
21. Long, 9.
22. Gerald Fallon, interview by author, 20 May 1994.
23. Frederick Wirt & Michael Kirst, Schools in Conflict (Berkeley: McCutchan Publishing Company, 1982), see especially 67, 93 127.
24. Wirt & Kirst, see especially 67, 93, 127.
25. Dale Mann, Policy Decision - Making (New York: Teachers College Press, 1976), 74.
26. Mann, 74.
27. Sharan B. Merriam, Case Study Research in Education, (San Francisco: Jossey-Bass Publishers, 1988), xiv.
28. This document was issued by the government of Newfoundland on November 25, 1993 and was the government's first proposal for restructuring the educational system of Newfoundland and Labrador.
29. This document issued by the government of Newfoundland on February 24, 1994 and was the government's second proposal for restructuring the educational system of Newfoundland and Labrador.
30. This document was the official report, released November 1993, from the Working Committee comprised of individuals from the Departments of Justice and Education as well as representatives of each Denominational Council. Mr. Gerald Fallon, Executive Director of the CEC, was one of the members of that Working Sub - committee which reported ultimately to the Committee of Principles.
31. Initially, the Most Reverend James H. MacDonald, Archbishop of St. John's and Chairperson of the CEC was contacted for an interview. He declined to be interviewed and referred the author to Mr. Gerald Fallon, the CEC's Executive Director.



## **CHAPTER 2**

### **DENOMINATIONAL EDUCATION IN NEWFOUNDLAND**

#### **Origin and Development of Denominational Schooling**

Until 1997, the responsibility for education in the province of Newfoundland and Labrador was shared between the provincial government and the churches. Traditionally the government's voice has been communicated through its Department of Education and the churches' voices was communicated directly in the local governance of schools and through the Denominational Education Councils (DEC), which were established by law in 1969. Historically, the educational endeavour in Newfoundland was directed towards religious and moral ends and dual control over education was entrenched legally for over a century.<sup>1</sup>

In An Act for the Encouragement of Education in the Colony (1836), the colonial government offered financial assistance to religious societies and convent schools. In addition, nine educational boards were created by legislation and they were given the right to make rules and regulations with regards to the schools within their district. The individual communities were required to contribute half the funds and the government to provide the other half. In effect, the government, at that time, placed the responsibility for the day-to-day conduct of education into the hands of the churches where, until recently, it remained.

Historically, communities emerged in Newfoundland along geographical and religious lines. In effect, this meant that the majority of smaller communities in

Newfoundland were mono-religious and therefore the school in each community was free to teach the children a particular set of beliefs without any concern for individual parental protest. School, community and church developed and grew in a tight and unitary philosophical perspective.

By 1836 there were three different organizations supporting separate school systems: 1) the Society for the Propagation of the Gospel, affiliated with the Church of England, 2) the Benevolent Irish Society, aligned with the Roman Catholic Church and 3) the Methodist school, associated with that church.<sup>2</sup> The General Education Bill of 1843 was the first Act to recognize the Catholics and the Protestants as the two major denominations of Newfoundland. It was then that the government initiated the practice of dividing educational grants along religious lines and from this point on all governmental efforts to prevent or restrict denominational schools were resisted by the official denominations.<sup>3</sup>

The Education Act of 1874 legislated the allocation of grants for education according to the denomination's population, but Government Superintendents were given control over the administration of church schools through the Education Act of 1876. It was at that time that government entered the arena of education as a junior partner to the churches.<sup>4</sup> The first Act which prohibited government interference with the denominational educational set-up passed into legislation in 1891; the legislation embodied a "hands-off" attitude on behalf of the churches.

Cooperation between the denominations began as early as 1895, first with the Council on Higher Education, then in 1903 with the amalgamation of a number of

schools and again in 1920 with formalized joint services agreements.<sup>5</sup> The year 1920 also saw the formation of a Department of Education within the government but it was organized in such a way as to keep the principles of denominationalism intact.<sup>6</sup> Public secular schools were not unheard of though. A number of attempts had been made to form such a school system, but all earlier colonial attempts failed within ten years, as colonists were apathetic towards local governments and suspicious of central government. As a consequence, the local church was often the only organized social structure within the community and the clergy typically took on the responsibility of educating the children.<sup>7</sup>

The Education Act of 1927 was the last major education Act before Newfoundland joined Confederation. At that time there were 8 classes of religious groups involved in education: the Church of England, the Roman Catholic Church, the Congregational Church, the Free Church of Scotland, the Kirk of Scotland, the Methodist Church, the Salvation Army, and the Seventh Day Adventist.<sup>8</sup> This legislation gave the churches control of education in four areas: (1) the right to denominationally-based school boards which could own and operate schools; (2) the right of these schools to appoint and dismiss teachers; (3) the right of these schools to receive public funds on a non-discriminatory basis; and (4) the right to establish denominational colleges.<sup>9</sup> This was essentially the status of the school system until 1949, when the Government of Newfoundland, under Term 17 of the Terms of Union with Canada, guaranteed denominational education in the province, subject to the proviso that the provincial legislature had the exclusive authority with regards to making laws for education.<sup>10</sup>

Under the authority of the Department of Education, there were five sub-divisions headed by superintendents, one for each of the four major denominations (by this time, the Anglican, Roman Catholic, Salvation Army and the United Church) and one for the Amalgamated school services. Each of these sub-divisions were responsible for the administration of its own school boards, schools and teachers and teacher certification. <sup>11</sup>

In the mid-1960's the government called for a Royal Commission on Education and Youth. This Commission, chaired by Dr. Phil Warren, reported in 1968 and called for a reorganization of the school system. The Commission's recommendation resulted in the end of denominational superintendents and their replacement by the Denominational Educational Councils in 1969.<sup>12</sup> Meanwhile negotiations were going on between the United Church, the Salvation Army and the Anglican Church to streamline and to enter into joint educational efforts. In 1969, three denominational councils were formed, the Integrated, the Catholic and the Pentecostal. In that same year, the Presbyterian Church joined the Integrated Council, with the Moravian Church following later in 1977. The Seventh Day Adventists refused, like the Catholics and the Pentecostal Church, to join the Integrated Council and so maintained their separate school board. The three Councils, the Catholic, the Integrated and the Pentecostal, were established as statutory bodies, in July 1969, and had the following legislative mandate:

- 1) to make recommendations to the Lieutenant-Governor in Council concerning the establishment and alteration of school district boundaries under the Schools Act;
- 2) to make recommendations to the Minister of Education concerning the selection and appointment of members of school boards under the Schools Act;
- 3) to make recommendations to the Minister of Education concerning the dissolution of school boards;

- 4) to administer and allocate capital grants for school construction;
- 5) to make recommendations to the Minister of Education concerning the selection, training, and initial certification of teachers (this to be carried out primarily through each Council's Board of Examiners);
- 6) to approve constitutions of school boards and forward constitutions to the Minister of Education for approval;
- 7) to examine and study all proposed legislation, regulations and amendments to the existing legislation and to make recommendations to the Minister on proposed changes;
- 8) to advise the Lieutenant Governor in Council on all educational policy which might affect the rights of denominations; and
- 9) to develop and administer religious education programs for the schools.<sup>13</sup>

Also, in 1969, the Denominational Education Councils came together to create a Joint Committee to act as an official forum where the Councils, through their executive directors, could come together to discuss issues of mutual concern. The joint committee's basic terms of reference were: (1) to facilitate sharing and co-operation between Councils, schools and Boards; (2) to shape frameworks for co-operation; (3) to encourage and to assist school boards and (4) to review and assess regularly the effectiveness of cooperative agreements.<sup>14</sup>

Jointly operated schools between the Integrated and the Catholic Schools began to emerge as early as 1971. Over twenty formal cooperative service agreements were in place by the mid 1990's. In addition to these efforts, school systems for some time had been closing schools with low enrollment and reducing the number of school boards. In 1969, there were 1,266 schools in more than 800 communities and the total provincial enrolment that year was 156,757.<sup>15</sup> By 1992, this number had been reduced to 525 schools located in 307 communities and in 257 communities there existed only one school and the total provincial enrolment had dropped to 125,133.<sup>16</sup> The 1992 Royal

Commission observed that this meant that 84 per cent of the communities in Newfoundland and Labrador had no duplication of school services.<sup>17</sup> Further cooperative measures has also been taken in the area of bussing, educational specialists such as educational psychologists, and program coordinators. Also some Boards shared in the purchase of paper, fuel, cleaning contracts and pool services. There were also examples of schools that had split programming between two high schools, with students attending the school of another denomination to receive a specific course.<sup>18</sup>

The 1988 report on school district boundaries,<sup>19</sup> prepared for the Catholic Education Council (CEC), stated that every school district should investigate inter-denominational and cooperative school management. The report concluded that joint service agreements were necessary to continue to promote the interests and viability of Catholic schools in the province. Therefore in 1989, the Denominational Councils established a joint committee with a view to developing a model of systematic cooperation among school boards, and the CEC adopted a policy which included the principles governing cooperation, the potential areas of cooperation, and the role of the CEC in facilitating such cooperation.<sup>20</sup> Thus, by the mid 1990's a combination of financial pressure, imaginative collaboration and new forms of ecumenical cooperation among the three Councils produced a school system which, while still cast in a denominational context, was different from the one which had been constitutionalized in 1949.

#### **The CEC as a Denominational Advocate**

**The mission statement of the CEC touches on both ethical and legal components**

(Appendix D). It speaks to the desire to teach children to emulate the life of Christ and to the continuity of home, school and church. It also recognizes that schooling rights of Catholics are protected by both the legislation of the province and the Constitution of the country.<sup>21</sup> In large part, the CEC mission statement reflects the Vatican II Declaration on Christian Education<sup>22</sup> which states that every person has the right to an education suited to one's native talents, sex, cultural background, and ancestral heritage. It also contends that public subsidies should be available for the churches who should have the right to run their own schools and it delineates a number of focal concerns for Catholics, namely, governance, school selection, and funding.

The legislative basis of the CEC, and all other denominational councils, is outlined in four sections of The Department of Education Act, 1990. It specifies that it is the responsibility of the Council, as a corporation, to represent the Class of Catholic persons, in relation to their rights and privileges under the Terms of Union, 1949. It calls for the appointment of an Executive Director to act as an official contact between the provincial government and the Council and it states that the Director's salary will be paid by the Minister through an annual grant. However, the Council itself sets the duties of the Director and informs the government of the nature of these duties. The Council must provide the government with a copy of its constitution, regulations, by-laws and rules and the government requires a financial statement from the Council on an annual basis.<sup>23</sup>

In Section 16 of the Act, the specific areas of Council control are delineated. It may make recommendations on school district boundaries, on the selection and appointment of school board members, on the dissolution of School Boards, on teacher

training, on the selection and certification of teachers and on the development of religious education.<sup>24</sup> The Council may also receive gifts or trusts in the form of money, land or building. It has the right to borrow money, pay interest on the debt, deal in promissory notes and issues bonds for the purposes of erecting and equipping public schools; however it may only do so with the authorization of the Lieutenant Governor in Council.<sup>25</sup>

The constitution of the CEC outlines the powers and duties of the Council in concrete terms, consistent with the provisions of Section 16. It shall:

(1) make recommendations to the Lieutenant-Governor in Council concerning the establishment and alteration of school boundaries under the Schools Act; (2) make recommendations to the Minister of Education concerning the selection and appointment of members of School Boards; (3) certify the opinion of the Council concerning the dissolution of School Boards; (4) administer and allocate capital grants for school buildings; (5) make recommendations concerning the selection training, indenturing and initial certification of teachers and the establishment of a Board of Examiners; (6) approve constitutions for the Roman Catholic School Boards; (7) examine and study all proposed legislation submitted to the Council by the Minister of Education and to make recommendations on the same; (8) act as the official advisory board on all educational policy that affects the rights of the Roman Catholic Denomination; and (9) develop and administer a program of religious education. The remaining powers and duties outlined in the policy manual refer specifically to the operation of the Council itself and are a requirement of the Education Act, 1990.<sup>26</sup>

Membership in the Council is diverse, yet directly tied to the hierarchy of the church. It is made up of a maximum of thirty-one individuals, each appointed to his/her seat. Clergy members include: The Archbishop of St. John's and the Bishops of Grand Falls, St. George's, and Labrador City-Schefferville. Each clergy member appoints five members who have seats on school Boards in their region with the exception of the Labrador Bishop who appoints two individuals. Four individuals are drawn to represent



the following groups: teachers, senior students, home and school association, and parish councils. One member is nominated by the Association of Roman Catholic School Boards and one member is the Director of the CEC. The membership of the clergy and the Director is tied to their office; all other members hold their office for a period of three years.<sup>27</sup> The constitution of the CEC can be amended through a two thirds vote while by-laws require only a majority.<sup>28</sup> The Council meets a minimum of four times a year though individual committees of the organization meet as necessary.<sup>29</sup>

The 1980's saw a renewed interest, similar to that of the sixties, in reforming the educational school system in Newfoundland and Labrador. Grade twelve was introduced, a credit system was implemented for senior high school in the province, and the co-educational arrangement in many of the Catholic schools in regional centres was introduced. Joint service agreements between the different Christian denominations were entered into as an effort to save small community schools. Additionally, many studies were underway to examine the inefficiencies and duplication of services between schools and their boards. This renewed scrutiny of the structure and operations of the province's schools was a cause of grave concern to the Denominational Educational Councils because they feared a new provincial resolve to diminish church control in Newfoundland's educational system. The CEC's reaction was predictable and consistent with its traditional stance. Following the release of Our Children, Our Future in 1992, the Catholic Education Council outlined six distinctive characteristics of a Catholic school which would be jeopardized by a change to a non-denominational school system:

1) The Catholic school, with parents and parish, strives to serve the intellectual, physical, social moral and spiritual needs of its students. 2) The school has a mission statement which emphasizes religious formation in the context of quality education. 3) Teachers and students strive for both academic excellence and the development of moral values. 4) The school affords status to Religious Education courses equal to that given to other subjects. 4) Religious symbols are readily visible throughout the school. 5) Prayer, liturgy, and sacraments are an important part of the life of school. 6) Personal and social responsibility are fostered in keeping with church values.<sup>30</sup>

Again, in 1994 The Most Reverend James H. MacDonald, the Chairperson of the CEC and the Archbishop of St. John's, reminded The Honourable Clyde K. Wells, in a letter that "...it is the responsibility of the Roman Catholic Church leaders to insure that the constitutional rights and the expressed wishes of the Roman Catholic people are advocated and protected"<sup>31</sup> and that the CEC was the empowered organization to advocate and protect these rights in the reform negotiations. The negotiation process which the government initiated in 1993, to adjust the course of denominational schooling in Newfoundland, would test the strength and status of this empowered organization to secure the interests so dear to the heart of the Most Reverend James MacDonald.

## NOTES

### Chapter 2

1. For a detailed treatment of this history see F.R. Rowe, The History of Education in Newfoundland (Toronto: Ryerson, 1952) and A History of Newfoundland and Labrador (Toronto: McGraw-Hill Ryerson, 1980). See also Chapter 4, "Origins and Development of the Denominational Structure" in Leonard Williams, Chairperson, Our Children, Our Future, A Royal Commission of Inquiry into the Delivery of Programs and Services in Primary, Elementary, Secondary Education (St. John's: Newfoundland), 49-66. The role of the churches in education stems back to 1686 when a Roman Catholic priest began instructing children for four months of the year in the community of Placentia.
2. L.A.Browne, "The role of the church in determining educational policy in Newfoundland", Unpublished B.A. Honours dissertation, Memorial University of Newfoundland, 1984) 4.
3. Browne, 6.
4. Browne, 7.
5. Browne, 8.
6. Browne, 8.
7. Our Children, Our Future, 50.
8. Our Children, Our Future, 53.
9. Our Children, Our Future, 53.
10. Browne, 13.
11. Our Children, Our Future, 54.
12. Browne, 14 & Our Children, Our Future, 55.
13. Our Children, Our Future, 56 & 57.
14. Our Children, Our Future, 63.
15. Government of Newfoundland, Department of Education, School enrollment in Newfoundland from 1949 - 1998, [data base on line] [cited 2 April 1999]; available on

the World Wide Web @ [edu.gov.nf.ca/stats9798/tab2.htm](http://edu.gov.nf.ca/stats9798/tab2.htm)

16. Government of Newfoundland, Statistics on school enrollment
17. Our Children, Our Future, 62.
18. Our Children, Our Future, 62 & 63.
19. D. Tresland, P. Warren and K Tracey, Educational District Boundaries: A Framework for the Future: A Study of Roman Catholic Educational District Boundaries (St. John's: Catholic Education Council, Boundaries Committee, 1988).
20. Our Children, Our Future, 64.
21. Policies and Procedures Manual of the Catholic Education Council (St. John's: Catholic Education Council, 1969), 3.
22. "Declaration on Christian Education". In Abbott, W. M. The Documents of Vatican II (New York: Herder and Herder, 1966), 637 - 651.
23. The Department of Education Act, 1990, Newfoundland and Labrador, Section 15.
24. The Department of Education Act, 1990, Section 16.
25. The Department of Education Act, 1990, Sections 17-19.
26. Policies and Procedures of the CEC, 13.
27. Policies and Procedures of the CEC, 14 & 15.
28. Policies and Procedures of the CEC, 10.
29. Policies and Procedures of the CEC, 10.
30. Catholic Education Council. Catholic Schools: Our Commitment. Our Heritage. Our Right. (Pamphlet). This document was published following the release of Our Children, Our Future. It outlines the role of the CEC, states the importance of a Catholic education, refutes arguments of the Commission and points out to parents their right to a Catholic education.
31. James H. MacDonald, Letter to Premier Clyde Wells, 10 May 1994, St. John's, Newfoundland.

## **CHAPTER 3**

### **ADJUSTING THE COURSE OF DENOMINATIONALISM, 1992-94**

#### **Denominational Classes and the Royal Commission of 1992**

The denominational school system in Newfoundland and Labrador had been the target of much criticism for at least a decade preceding the release of Our Children, Our Future, in 1992. Declining enrolments, as well as the reorganization of the senior high school with the introduction of grade twelve in 1983, highlighted problems associated with the duplication of services. In May of 1986, in a brief to the government, the Newfoundland Teachers' Association (NTA, now known as the NLTA) recommended that a Royal Commission be established to investigate ways of eliminating serious inefficiencies within the provincial educational system.<sup>1</sup> Similarly Building on Our Strengths (Royal Commission on Employment and Unemployment, 1986); the Report of the Small Schools Study Project (1987); and the School District Boundaries Revisited (Task Force on Integrated School District Boundaries, 1987) all recommended a consolidation of school services and a more cost effective school system.<sup>2</sup> Even though moves were being made by school boards and individual schools to enter into joint service agreements, one specific mandate of the Royal Commission established in 1990 was to "focus directly on the current denominational structure of our educational system and [examine] whether it is contributing to fiscal and educational inefficiencies."<sup>3</sup>

In August 1991, Premier Clyde Wells contacted the Denominational Education Councils (DECs) to inform them that the government was calling for a Royal Commission on education. Meetings between the DECs and government were held in

order to draft the Terms of Reference for the Commission. There was some opposition to the DEC's requests that the Terms reflect of the constitutional rights of the denominational classes. Redrafts of the Terms were made until parties were satisfied: individuals and groups which preferred a denominational school system would submit briefs to the Commission along with other interest groups who opposed such a system. The Commission received one thousand and forty-one submissions, held thirty-eight public hearings, made fifty-eight school visits, consulted with over one hundred and seventy-five groups and individuals, attended sixteen conferences and conducted one public opinion poll before making its final recommendations to the government.<sup>4</sup> In March 1992, the Commission published its final report, entitled Our Children, Our Future. The Royal Commission's Report contained twenty-six recommendations which directly affected the denominational nature and structure of the provincial school system (Appendix B). Six of the recommendations dealt directly with school governance in relation to class rights and, as such, were the most contentious:

23 that the primary role of the church in school life should continue to be development and provision of religious education programs and additionally providing pastoral care to students.

26 that all existing school boards be dissolved and that new school boards be established.

27 that all school board members be elected to the office and that every adult, eligible under the **Elections Act**, be eligible to stand for the election to the school board.

36 that the existing Denominational Educational Councils be dissolved and that the present Denominational Policy Commission be responsible for (1) advising government on educational policy which effects the rights of denominations; (2) overseeing the development of Religious Education and Family Life programs;

(3) facilitating pastoral care; (4) advising School Councils on educational policy which affect the rights of denominations.

38 that full responsibility for the certification of teachers be placed within the Teacher's Certification Committee and that the relevant section of the Education (Teacher's Training) Act be revised accordingly.

42 that all capital funds be allocated on the basis of provincial wide priorities.<sup>5</sup>

The additional twenty recommendations relating to denominationalism focussed more specifically on school board boundaries, staff hiring policies, school viability, enrolment procedures, and strategies for providing religious education and pastoral care.

Reaction to the Commission's recommendations was mixed but the leaders of the denominational classes were especially disturbed by the twenty-six recommendations which called for a change in areas presently under the control and influence of the denominational classes. The government's announced intentions to implement the Commission's recommendations with regard to class rights began a series of political actions by the churches to sustain the traditional role of the church in schooling. For twelve months, supporters of denominational schooling lobbied to prevent the changes proposed by the Commission from being implemented.

#### **A New Model of School Governance: "Coterminous and Cooperative School Districts Model and a Provincial Structure"**

On March 12, 1993 The Premier announced in the House of Assembly that the government would work cooperatively with the churches to enhance the quality of education, to achieve greater efficiency in the delivery of services and to make substantial changes in the administration that would lead to a major reorganization of

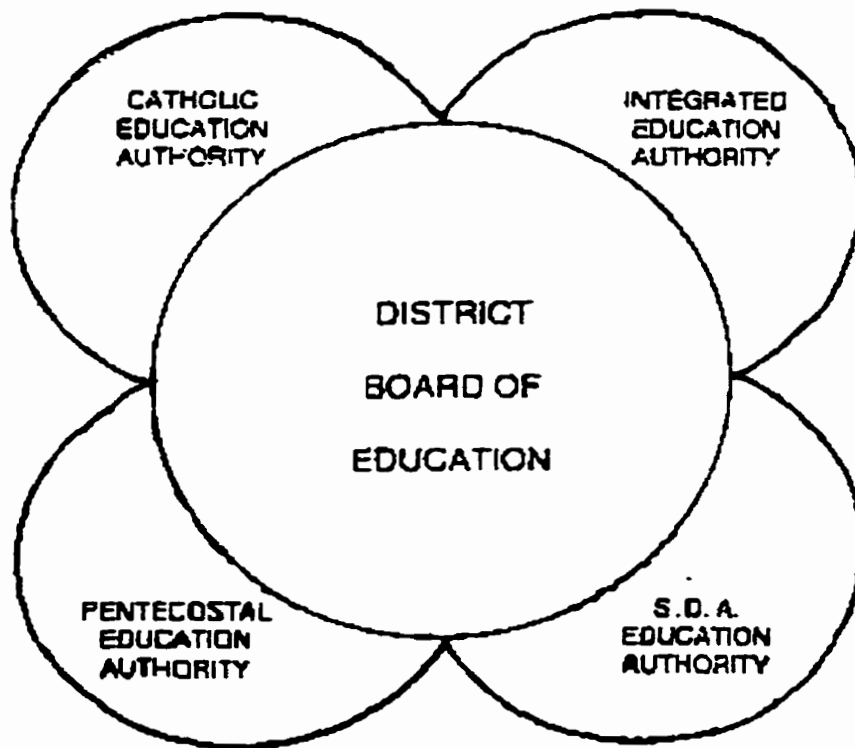
school districts. Government reassured the church leaders that it was not seeking a change to the Constitution that would remove the constitutionally protected rights of the denominational classes.<sup>6</sup> It was recognized by all, though, “that if after the conclusion of those discussions there is a consensus among the leaders and the government that some adjustment or changes to the constitution are necessary or desirable then they would be pursued.”<sup>7</sup> In the Fall of that year, a Committee on Principles was struck at the initiative of the provincial government with representation from each of the religious classes and from government.<sup>8</sup> From the Committee on Principles, appointments were made to the Working Committee.<sup>9</sup> It was the responsibility of the Working Committee to hammer out a compromise agreement between the government and the Classes. The Working Committee tabled its report to the Committee on Principles and the government on November 22, 1993.<sup>10</sup>

The schooling model presented to the government by the Working Committee - the so called “Coterminous model” or the “church model” - called for ten to twelve District Boards of Education for the whole province, each of which would work in tandem with the Education Authorities (ie. religious authorities)coterminous with the Board of Education (see Figure 1. School District Model) . The leader of each District Board would be the Superintendent and the leaders of each of the Education Authorities would be a director who represented a religious Authority. Each Class of Persons holding constitutional rights would be represented on their respective Authority and, as numbers warrant, on each district board. However, there would be only one Seventh-Day Adventist Authority for the whole province and there would not be a Pentecostal



**Figure 1**  
**School District Model**

**District Governance and Administration**



1. The leader of the District Board of Education will be the Superintendent. The leaders of the District Authorities will be the Directors.
2. There will not be a separate Pentecostal Assemblies Education Authority in each district. Likewise, in one or two instances, there may not be a separate Authority for the other systems.
3. The Seventh Day Adventist class will have just one Authority for the Province. It is anticipated that one of the principals of an Seventh Day Adventist school will act as a Director.

Source: Report of Working Committee, Coterminous and Cooperative School Model and a Provincial Structure, (St. John's: Newfoundland, 22 November 1993), 3.

Authority for each district, because numbers representative of this class would not warrant full Education Authority status in each school district. Therefore, geography and the numbers of religious adherents would determine the number of Education Authorities established. In practice, for example, this would mean that St. Mary's the Cape, being largely a Roman Catholic area of Newfoundland, would therefore need one or possibly two religious Education Authorities, one Roman Catholic and one Integrated, tied to the District Board of Education. St. John's, a city which is multi-denominational, would have an Education Authority for each of the major religious classes conterminous with the District Board.<sup>11</sup> The District Board of Education would have many of the operational duties required in any corporation or business. As an educational corporation, it would control program services like curriculum and resources, student performance indicators, and, like an elected board, would have to establish a constitution and by-laws.

The jurisdiction of each Education Authority would include funding, the hiring, deployment, evaluation, tenure, redundancy and termination of teaching staff, school buildings, and school organization. Funding decisions for Education Authorities would have to be closely connected to the Capital Grant and Operating Grant from the provincial government. Under long-standing agreements between the province and the DEC's, the capital grant for the construction, repair, demolition and maintenance of school plants was allocated to each DEC and it was the responsibility of the DEC to prioritize and distribute the funds. So it would be for the Education Authority in the proposed new model. The Education Authority would also determine the extent and nature of community use of plant facilities, as well as determine the new consolidation of

schools.<sup>12</sup> Access to the school by way of admission priorities would be the responsibility of the Authority, as well as the determination of each school's ambience, philosophy and programming. It would also monitor areas such as school improvement and student achievement.<sup>13</sup> The Authority would also administer staff development in the areas of values, philosophy, ambience and ethos. It would be directly in control of religious and family life education programs. Also, pastoral care would be its responsibility.<sup>14</sup>

School Board composition under the "Coterminous or the church model" would consist of fifteen members elected in accordance with the School Board Elections Regulations in 1993. Each school system (like the Integrated, for example) and those citizens not holding constitutional rights in education, would have one representative on the Board where the number of students warranted. The remaining members of the board would be elected, on a proportional basis in relation to the student population of the District. An Education Authority would have an elected member on the District School Board if numbers warranted. In addition to the elected members, each Authority could select up to a maximum of five members, but these members would not be members of the District Board.<sup>15</sup> A school board under this system could have the following composition: fifteen members elected on proportionate denominational lines, with each of the four authorities having at least one elected member where numbers warranted. All candidates would have to be adherents of one of the denominations holding constitutional rights, but all citizens would be permitted to vote.<sup>16</sup>

This new governance structure would mean one coterminous board office per

district, for a total of ten, as opposed to 27 which existed in 1993. It would also mean the rationalization of busing services and there would be one set of program coordinators per district (with the exception of those responsible for religious education where there would be one for each Class in that district). This model also proposed that school board elections take place during municipal elections as a cost savings measure.<sup>17</sup>

At the provincial level, the Committee on Principles called for the Denominational Educational Councils to have exclusive jurisdiction in the areas essential to maintaining the denominational integrity of each system. It also proposed that a Denominational Educational Commission be established which would have exclusive jurisdiction in defined areas.<sup>18</sup> The Commission's composition would include church leaders, by virtue of their classes having constitutional rights; one representative from each Denominational Education Council; and finally, the Directors of each Educational Authority from each District by virtue of their being representatives of the Denominational Councils. The Councils would include church leaders (who may or may not be the same church leaders who would sit on the provincial Denominational Educational Commission) and Class representatives<sup>19</sup> (See Figure 2. Provincial Model).

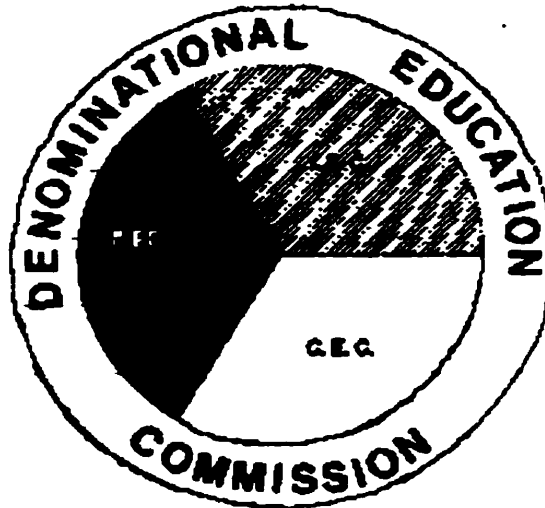
The jurisdiction of the province - wide Denominational Education Commission would include approval of any cooperative educational endeavours in terms of setting provincial policy, as well as facilitating, monitoring and coordinating new joint agreements. The Commission would also represent the classes on a variety of committees including teacher education at Memorial University and the School District Boundaries Committee. It would act as a liaison with educational and community

**Figure 2**  
**Provincial Model**  
**Denominational Education Commission**

The Commission will be organized along functional lines with one of the directors being the coordinating director on a rotating three year bases. In addition to the director, each Council will have staff appropriate to its mandate.

**A. COMPOSITION - COMMISSION**

1. Church leaders by virtue of their classes having constitutional rights



2. One representative from each Education Council
3. Directors by Virtue of their being representatives of the Councils

**B. COMPOSITION - COUNCIL**

1. Church Leaders
2. Class representatives

Source: Report of Working Committee, Coterminous and Cooperative School Model and a Provincial Structure, (St. John's: Newfoundland, 22 November 1993), 13.

agencies and finally it would conduct its own business operations.<sup>20</sup> The Commission's operation and responsibilities would reflect closely the function of the DEC's. It would develop and implement joint services agreements, determine criteria for consolidation, develop recommendations for school district boundaries, monitor and influence curriculum where appropriate, scrutinize legislation to ensure that the rights of the classes were being respected, develop programs for religious education and family life, develop a system wide philosophy and school ethos, receive and distribute capital grants, approve constitutions of District Boards and Education Authorities and make recommendations to the Minister of Education regarding the same, hire personnel in accordance with the needs of a Council and, finally be represented on three important provincial educational committees: Teacher Certification, General Advisory and Denominational Policy.<sup>21</sup>

School viability was a continuing concern in a province with both shrinking resource and shrinking population of school-aged children and it was a concern for both the government and the churches. On school viability, the Committee on Principles recommended that a special committee be formed with representation from the government, the four school systems (Integrated, Pentecostal, Roman Catholic, Seventh-day Adventist), the school Boards and the parents and that viability be determined based on four variables: program scope and quality, cost effectiveness, denominational integrity and student outcomes.<sup>22</sup>

The Committee also drafted a provision in the agreement to deal with the contentious issue of school construction. This was contentious because essentially the

province provided the funding but the DEC's decided construction priorities within each denominational system. The Committee recommended that a new construction committee be established which had as its members three representatives from government and one from each of the Councils. The new committee would be required to meet its denominational obligations with regard to capital funding once every three years, as well as make recommendations to government regarding a whole host of operational concerns including construction, maintenance, planning and safety.<sup>23</sup>

The "Coterminous and Cooperative Model" proposed to reduce the number of school boards from 27 to 10, as did the Royal Commission. The "church model" called for a school board elected 100% along denominational lines as opposed to two thirds elected and one third denominationally appointed as proposed by the Commission. The "church model" wanted a school board, rather than the government, responsible for the funding and support of denominational Authorities. The Commission called for a dramatically different role for the denominations in school governance. The "church model" proposed to have the denominational Educational Authorities established within the district boards rather than have the provincial denominational authority such as the then - existing Denominational Policy Commission. Clearly, the model's designers felt that this elaborate proposal had the merits of meeting the constitutional rights of the classes as well as meeting the government's concerns for the improvement of school efficiency and effectiveness. Though they acknowledged that their proposal did not deal with specifics of school improvement, they believed it did provide a framework in which reform could efficiently take place.<sup>24</sup>

### **The Government's Response to the Churches: *Adjusting the Course***

On November 25, 1993, the provincial government presented its own proposal for school reorganization entitled Adjusting the Course. The Coterminous and Cooperative School District Model was not a significant departure from the system already in place in 1992 and it reflected little of the change called for by the Royal Commission, except in the area of the number of school boards. The "church model", which the document became known as, was heavy with bureaucratic layers. Dr. Robert Crocker was the Chair of the Working Committee and Deputy Minister of Education at the time, and he could predicted that the "church model" was not going to meet with Cabinet's approval. Indeed, at the time, Crocker appeared to be sitting on both sides of the fence encouraging the Working Committee to continue its deliberations and yet aware that the government was developing its own position paper.<sup>25</sup>

Adjusting the Course I,<sup>26</sup> the government's first proposal for educational reform since the Commission's release of its report, leaned heavily on the Commission's recommendations and called for a number of dramatic alterations to the school system in Newfoundland and Labrador. The government's goal for education and this model was "to transform this society from one of persistent under-achievement to one whose achievement levels rank with the best in the nation."<sup>27</sup> The proposal highlighted nine principles for the new school system: higher standards and expectations, increased public accountability, church control of religious education, children attending neighbourhood schools, greater involvement of parents in education, improved leadership and decision-making at the school level, participation of non-adherents, school construction based on



province-wide priorities, and minimizing the number of administrative bodies.<sup>28</sup>

Many of the proposed changes affected the sphere of influence of the Denominational Educational Councils. For example, Adjusting the Course I called for eight to ten regional *inter-denominational* boards, which would elect ten members at large and only one representative from each denomination (and only where numbers warranted). It also called for the elimination of the Denominational Councils and the formation of Denominational Committees which would have jurisdiction over only religious education and pastoral care. Further, the committees would act only as advisory bodies to the school board and to the Minister of Education on family life education and teacher assignment to uni-denominational schools.<sup>29</sup>

Proposed changes to the composition of the School Construction Board also altered the power of the Councils and the Classes. Since the formation of the Councils, monies for the construction of new schools were allocated to each Class on the basis of the school- age population, denominationally categorized. The new board would have seven members, three appointed by their denominations, three appointed by government and one mutually agreed upon chair. This new board would establish province-wide priorities without consideration for denominational affiliation and it would be responsible for maintenance and repair, school planning and construction guidelines and the receiving and distribution of capital funds.<sup>30</sup>

Further, a provincial Denominational Education Commission would be formed on the dissolution of the DECs. This new proposed Commission would be unitary, inter-denominational, and would have three primary functions. First, it would act as a

denominational channel to government and to School Boards. Second, it would be responsible for program development in religious education and for the coordination of pastoral care. Third, the body would appoint members to the School Construction Board.<sup>31</sup>

Changes would also result at the school level. Any new schools built would be *inter-denominational*. All property titles would be held by the school board and not the churches. Where viable denominational schools existed, parents could choose a school, subject to enrolment priorities established by the province.<sup>32</sup> However, the school boards would still maintain zoning rights and transportation responsibilities. Where *uni-denominational* schools were viable, they would be maintained but viability guidelines could be established by the province. The government also proposed that a special allocation would be given to smaller schools but they did not outline any specifics, cautioning that it would not be used so as to inhibit consolidation.<sup>33</sup>

In Adjusting the Course I, the government took a position on property ownership which the churches clearly found controversial. The government said that it was inappropriate to continue to maintain and fund, with the public purse, facilities which, ultimately, were in private hands. Many of the older schools in Newfoundland were built by the church on church property. The funding contribution made by the churches to renovate and to maintain school plants had diminished over the last few decades in Newfoundland and all schools were now built and maintained by public funds. The government felt that the issue of future ownership of school property or its purchase by the government could be separated from the operation of schools, and the government

proposed that this difficult challenge of ownership be the responsibility of the School Construction Board.<sup>34</sup>

Overall, Adjusting the Course I, signalled that the provincial Department of Education would become responsible for the legal framework of education, educational goals and standards, accountability and school accreditation, resource provision, the protection of the public interest and system effectiveness and efficiency.<sup>35</sup> To that end, Adjusting the Course I therefore called for specific curtailments of Class rights and privileges historically enjoyed by denominational school boards, notably, the ability to hire on the basis of denominational affiliation, religious education in schools and other advisory roles in provincial curriculum policy, teacher certification and the ownership and operation of schools generally. *Uni-denominational schools* would have their religious character and ethos developed by an elected School Council, and such matters would not be a vested right held by a school board or by a particular class of persons.<sup>36</sup>

In summary, Adjusting the Course I, called for a school board made up of 15 members with 10 elected at large with up to 5 appointments based on denominational character, where numbers warranted. Denominational committees would then be appointed by the school boards and made up of board members adhering to a specific denomination as well as coopted members from among church leaders. The denominational committees would have responsibility for religious education, pastoral care, and teacher assignment for religious education only and an advisory role in the selection of teachers for *uni-denominational* schools. Most schools, including all new schools would be *inter-denominational* or “common schools” in character. All schools

would provide access to representatives of any religion for religious instruction where numbers warranted.

The Coterminous and Cooperative School District Model and Adjusting the Course I were made public within days of one another. The Coterminous Model was delivered to the government on Friday, November 22, 1993 and Adjusting The Course I was tabled three days later on Monday, November 25th.<sup>37</sup> The two documents bore very little resemblance to one another. The publication of the government's document renewed the protest of church leaders against the Department of Education and its proposed role in Newfoundland's school system. Again, church representatives called upon government to rethink its position and to table a new position more in line with the Committee on Principles' Coterminous Model. Indeed, a new proposal was tabled on February 24, 1994. Adjusting the Course II contained a number of modifications; however, the government's spokesman observed that "the general model is being upheld".<sup>38</sup>

The second volume of Adjusting the Course made an even stronger statement on the government's position regarding *inter-denominational* schools. Under the section entitled "School Organization", the government changed its initial position from one which said that all new schools would be interdenominational to a new "starting point - all schools, [existing and proposed will be] inter-denominational".<sup>39</sup> Adjusting the Course II did, however, state that school boards might establish alternate schools, including those for a particular denomination, but only under certain circumstances.<sup>40</sup> Necessarily, this would involve first, a formal request by parents and, secondly, the

requirement that the criteria established by provincial regulations for such schools be satisfied. The criteria would include such factors as

sufficient numbers of students, availability of a facility such that no new facility would be built unless it was otherwise warranted, no transportation for students to the alternate school other than transportation that would ordinarily be provided in the absence of the alternate school.<sup>41</sup>

Finally, more than 90% of the population would have to be of one denomination and there would have to be only one school serving that area. The operation of that school would be in the hands of the *inter-denominational* school board with only a few areas of the school's role and curriculum being the jurisdiction of a denominational committee.<sup>42</sup> It was noted that alternate schools could also be defined as those reflecting considerations other than religion in their establishment, for example French language schools and Aboriginal cultural schools.

The other major bone of contention in Adjusting the Course II was the government's approach to the school construction board. The structure of the school construction board proposed was based on that which was presented by the Committee on Principles except that the school construction board had an advisory function only in Adjusting the Course II whereas in the Coterminous Model it had decision-making power. This meant in practice that the government, not churches, established the criteria and priority for capital grants. Further, the seven member board would have three not four denominational appointees, three government appointees and a mutually agreed upon Chair. Also there would be no representation from the Denominational Councils. In the event that agreement on a chair could not be reached, it would be the specific

responsibility of the Minister of Education (as opposed to "the government" in general) to appoint a Chair. Further, it would be the responsibility of the school boards, not the school construction committee, to apply guidelines established by the government, concerning responsibility for planning, construction and repair. In short, school viability and school construction would be matters for the Department of Education and its Boards.<sup>43</sup>

The compromises acceptable to the government can be seen in the church's influence in preserving uni-denominational schools. School boards would have two sets of guidelines, one for *inter-denominational* schools and one for *uni-denominational* schools. In areas where the criteria for a *uni-denominational* school were met, then the *uni-denominational* school would control religious education, pastoral care, and school philosophy and ambience. In *inter-denominational* schools, the board would control religious education and pastoral care. An advisory committee would be put into place to advise the school board regarding family life education, teacher assignment for family life education, staffing for family life education and aspects of programming in inter-denominational schools affecting religious beliefs.<sup>44</sup>

In the summary and conclusion of Adjusting the Course II, the document stated that its "restrictive interpretation of church rights is essential for the effective functioning of the system."<sup>45</sup> Needless to say, this new document did little to satisfy the churches. Talks between government and church leaders experienced a temporary stalemate upon the publication of Adjusting the Course II, as neither side made major concessions in their respective positions. It would be fourteen months, April of 1995, before talks

would begin again and would stop and start again over the next year. This was largely because both parties were entrenched in their respective positions.<sup>46</sup> Further, the government frustrated that the “net result seems to be that the churches cannot agree to any proposal that does not meet the strict test of Term 17 of the Terms of Union,”<sup>47</sup> was already beginning to consider a province wide referendum<sup>48</sup> which would sponsor some adjustment of the constitutionalized regime of schooling in the province. The CEC, along with other supporters of denominationalism in schooling, would find the referendum idea an even bigger challenge and threat than Adjusting the Course.

## NOTES

### Chapter 3.

1. Austin Harte, "The Joint Service School: a Study in Interdenominational Cooperation in the Educational System in Newfoundland and Labrador" (Unpublished Pd.D. dissertation, University of Toronto, 1989), 3.
2. "The Joint Service School", 3 - 4.
3. Our Children. Our Future, xv.
4. Our Children. Our Future, Appendix X, 487 - 503, contains the full list of the Commission's 211 recommendations.
5. Our Children. Our Future, 489 - 490.
6. Province of Newfoundland, Forty First General Assembly of Newfoundland, Preliminary Report (Hansard), Vol XLI, fifth session, no. 6, 12 March, 1993. 174.
7. Government of Newfoundland and Labrador, The Week in Review: Selected News Releases (St. John's: Newfoundland Information Services, March 12, 1993), 8.
8. The Committee on Principles contained the following membership: Bishop D. Harvey (Anglican), Pastor King (Pentecostal), Reverend Wishard (Presbyterian), Archbishop MacDonald (Roman Catholic), Lieutenant-Colonel Moore (Salvation Army), Pastor Crook (Seventh Day Adventist), Reverend Cook (United Church), C. Wells (Premier), C. Decker (Minister of Education), W. Baker (Minister of Finance), E. Roberts (Minister of Justice), C. Furey (Minister of Industry, Trade and Technology).
9. Members of the Working Committee included: Robert Crocker (Chair and Department of Education), Gerald Fallon (CEC), Tom Pope (IEC), and Pastor Bastow (PEC) and Gail Welsh, a lawyer working on behalf of the government.
10. Gerald Fallon, interview by author, 28 March, 1995.
11. Committee on Principles. Coterminous and Cooperative School Districts Model and A Provincial Structure (St. John's: Government of Newfoundland, November 1993), 3.
12. Coterminous Model, 8.
13. Coterminous Model, 8.
14. Coterminous Model, 12.



15. Coterminous Model, 13.
16. Mark W. Graesser, Education Reform in Newfoundland, 1990-1995 The Impact of Constitutional Restraints and the Referendum Politics. Department of Political Science, Memorial University of Newfoundland. Paper presented at the Annual Meeting of The Canadian Political Science Association (St. John's: Newfoundland, June 10, 1997), Appendix C.
17. Graesser, 15.
18. Coterminous Model, 16.
19. Coterminous Model, 17.
20. Coterminous Model, 18.
21. Coterminous Model, 12 & 21.
22. Coterminous Model, 12.
23. Coterminous Model, 24.
24. Coterminous Model, 25
25. Fallon, interview, 28 March 1995.
26. Government of Newfoundland and Labrador. Adjusting the Course: Restructuring the School System for Educational Excellence. November 25, 1993. Hereafter designated Adjusting the Course I to distinguish it from a second volume of the same position paper issued February 24, 1994, which I have designated Adjusting the Course II.
27. Adjusting the Course I, i.
28. Adjusting the Course I, i.
29. Adjusting the Course I, ii .
30. Adjusting the Course I, iii.

31. Adjusting the Course I, 11 - 12.
32. Adjusting the Course I, iii.
33. Adjusting the Course I, 18.
34. Adjusting the Course I, 14.
35. Adjusting the Course I, ii.
36. Catholic Education Council. "Adjusting the Course" - Government's Proposal. A document outlining three arguments against the government's proposal for change (circa December, 1993).
37. Robert Crocker, interview by author, 27 March 1995.
38. Crocker, interview, 27 March 1995.
39. Government of Newfoundland and Labrador, Adjusting the Course Part II: Improving the Conditions for Learning, 24 February, 1994, i.
40. Adjusting the Course II, i.
41. Adjusting the Course II, 18.
42. Adjusting the Course II, 18.
43. Adjusting the Course II, 8.
44. Adjusting the Course II, 7.
45. Adjusting the Course II, 20.
46. Clyde Wells, Premier of Newfoundland and Labrador, a letter to leaders of the denominations, 31 May 1995.
47. Clyde Wells, a letter to the leaders of the denominations, 31 May 1995, 3.
48. Deanna Stokes Sullivan, "Talks Down for the Count", Evening Telegram, 2 June, 1995, 1.

## **CHAPTER 4**

### **THE REFERENDUM AND THE BROADER PUBLIC DEBATE**

The CEC had not planned for nor did it wish to see the denominational school question put to the general population of Newfoundland and Labrador. Significantly, it argued that a general public referendum would be unfair as the majority of would be making a decision for the minority.<sup>1</sup> Also, the referendum strategy put the CEC in the position of having to promote its interests more directly with the general public whereas prior to the call for a referendum it had been able to focus its energy and resources on applying pressure directly to the Government of Newfoundland and Labrador. The CEC's base of power was defined by the school legislation. The domain of its strongest influence was in the churches, and in the administration and staff of the Roman Catholic schools. The CEC rallied its support, for the most part, through the parish system.<sup>2</sup> The eventuality of a referendum meant that the CEC had to ply its resources and influence beyond this established and largely friendly audience and attempt to rally support among nominal Roman Catholics and the general public. The CEC, primarily through Gerald Fallon the Executive Director, had kept the issue of Class rights in the public eye more or less from 1992 through the spring of 1995. However, the call for a provincial - wide vote on schooling arrangements for September 5, 1995 moved the general public from the position of observer to that of participant. The CEC's advertising and public relations efforts were especially put to the test in the 1995 Referendum campaign. So too was its ability to be influential beyond its traditional domain.

## **The Referendum Idea**

On September 5, 1995 the voting population of Newfoundland and Labrador was asked to vote on the following question: "Do you support revising Term 17 in the manner proposed by government, to enable reform of the denominational education system? Yes, No". (see Appendix E) Ultimately, 54.9% of the public voted "yes".<sup>3</sup> What led up to the referendum being called and what contributed to the loss of it, from the point of view of the CEC?

The possibility of a referendum came about after August of 1994 when Premier Wells said that he was going to move forward with legislative initiatives and the CEC responded by filing a Notice of Intent to litigate.<sup>4</sup> It was Wells' calculation that if the CEC had taken the issue to the courts at that time, then the CEC would have won.<sup>5</sup> So, instead, Wells came to favour a constitutional amendment of Term 17 under section 43 of the Constitution Act (1982). Section 43 enabled the province of Newfoundland and Labrador to change its schooling arrangements from those set out in term 17 of the Act of Union (with Canada in 1949) provided that a resolution embodying the change was passed by the House of Assembly, the House of Commons and the Senate (See Appendix F). Mr. Wells and Mr. Decker, the Education Minister at the time, called for the Fall referendum on June 23, 1995, though the referendum question was not made public until July 25, 1995 (as Appendix E shows).<sup>6</sup> It is significant to note that the referendum was called on the last day of school for the students of the province. This timely action eliminated the CEC's ability to use the schools as a communication or lobby channel. The reaction of the CEC was predictable: "We oppose this referendum, a referendum of

all the people of the province, for the first reason is that the rights in the education of this province are not majority rights, they're minority rights."<sup>7</sup> Fallon claims that a compromise was offered at one point. If the government were able to poll the minorities by class (meaning, ask the Roman Catholics if they wish to change Term 17), then the church authorities would respect the decision from a vote of that design.<sup>8</sup> Robert Crocker, Deputy Minister of Education, felt a referendum was a fairly obvious thing to look at when you had something this controversial, keeping in mind that a referendum had no constitutional standing; it had political standing but it did not solve the constitutional problem:

A referendum may influence [the ultimate decision of the government], but a referendum is not in itself decisive; the worst thing about a referendum is that it could be indecisive."<sup>9</sup>

While some thought the referendum results could potentially have been an anti-Wells vote rather than a vote on the issue, others believed that Decker wanted to make a political issue of the school question by throwing up the referendum idea and thereby agitate the churches, hoping they would come around, so to speak.<sup>10</sup>

In any case, public reaction to the referendum idea was often difficult to gauge.

The government ran opinion polls and came to the conclusion that:

We know where the public is coming from as best we can, as revealed by the polls. Clearly the public, as far as we can read, want some preservation of religion in the schools. In other words it does not want a secular public school system. But what the public also doesn't want is church control of the system.<sup>11</sup>

Public opinion poll results are, of course, influenced by the questions which are asked.

According to one analysis of the poll run during September, 1991 for the Royal

Commission Report in 1992, when individuals were asked whether the churches should be cut out of any substantial role in education, the answer would be "no"; but if you asked should the churches dictate what happens in a particular school the answer would also be "no".<sup>12</sup> "I don't think," says Letto, "that people were focussing on it's time to get the churches out of education; they were focussing on what they perceived as the waste."<sup>13</sup> And in Letto's opinion the public's relationship with the churches had changed over the last couple of decades:

"I think that the public is not as spooked by the traditional church arguments as they used to be. I think with our culture people still feel fairly close to certain values like going to church and religion and so on but in the area of church control over school boards they want a change. People are feeling hopeless. I remember a time when 500 people came to a board meeting to find out some answers on spending and they were told, we don't have to tell you that."<sup>14</sup>

Mr. Fallon believed that, up until the Spring of 1995, the CEC had succeeded in getting the message out, namely that the system could be made more efficient without the removal of the constitutional rights of the churches.<sup>15</sup> Mr. Sutherland, President of the Newfoundland and Labrador Teachers Association, gauged the public's reaction in 1995 to be one of frustration. "In a sense it's very frustrating, because we are all waiting for major decisions to be made about our educational system, and they are not forthcoming."<sup>16</sup> He saw the CEC almost as "guardians of a ghost" because it seemed that the great majority of their religious community were not supportive of what the CEC was fighting for to the degree that the CEC thought they were.<sup>17</sup> Another observer of the public mood of the times concurs: "there is grassroots support there somewhere but I think it's a lot smaller than the CEC would like to think it is."<sup>18</sup>

For Dr. Art Ponder, a long time observer of the denominational arrangement in Newfoundland, any guess about the public's sentiment in a referendum on denominational schooling must be a cautious one:

Because the person in the street is indifferent to the way the system operates on a day-to-day basis, [this indifference] cannot be generalized to the basic issue of denominational vs. secular education. Thus, when the system is threatened, public support may be forthcoming in a strength not apparent in more peaceful times.<sup>19</sup>

So how does an interest group, or government, test the support of the public at large on the question of denominational schooling? The Royal Commission had conducted a telephone opinion poll in September, 1991.<sup>20</sup> When individuals were asked if Newfoundland should keep its denominational schools, 39.6% said to keep them, 60.4% said switch to a non-denominational system and 8.7% had no opinion.<sup>21</sup> The Commission also compared its survey results with two other polls, one in 1979, conducted by the Memorial University Political Science Department, and a 1986 survey, designed and directed by the Commission's consultant on behalf of the CBC. From a comparative examination of the polls, the Commission deduced that "56 percent of the public favoured 'changing to a single public system' in 1979 and 1989."<sup>22</sup> The Commission believed that by 1991, this had "increased to 60 percent, but the magnitude of change may be greater if minor differences in question wording are taken into account."<sup>23</sup>

It is interesting to note that this conclusion by the commission was called into question by Dr. Romulo Magsino in The Public Opinion Survey for the Royal Commission on Education Report: A Critique.<sup>24</sup> Magsino was critical of the

Commission for not including the earlier surveys by Warren in its examination of public support for denominational schools. Warren's surveys of 1978 and 1983 show less dissatisfaction with denominational schools, with only 29% "disagreed or strongly disagreed" with denominational schooling in 1978, and 31% "disagreed or strongly disagreed" in 1983. Magsino also pointed to a theory of Noelle-Neumann (1988), called the "spiral of silence", which suggests that a silent majority of individuals fail to express their opinions because the media has painted that position as being unpopular. He cites the media focus on the Mount Cashel child molestation cases as the cause for the "silence", as opposed to a genuine sentiment in the Commission's findings of reduced support for church-run schools.<sup>25</sup>

However, the public ambivalence towards religion in schooling can be seen in the poll taken by the Royal Commission. When individuals were given the statement "Teaching religion in school gives a better overall education", 77% agreed and 23% disagreed.<sup>26</sup> When given the statement "Teachers have a responsibility to show a commitment to religious values and standards", 88% agreed and 12% disagreed".<sup>27</sup> This would appear to show a strong commitment to denominational schooling and yet, when people were given the statement "School boards should have the right to refuse to hire teachers if they are not of the board's religion," only 19% agreed and some 81% disagreed.<sup>28</sup> And when they were given the statement "It is best for children to go to separate schools according to their religion", only 18% agreed with this position and 82% disagreed.<sup>29</sup> These anomalies appears to indicate that many people who supported denominational schools did not appear to recognize or understand the implications of



their support of the existing system. Very possibly, they support the spirit of religious and moral education without necessarily supporting the administration and structures inherent within the Class rights.<sup>30</sup> Significantly, this ambivalence and distinctive divisions in public opinion appeared to be borne out in public discussions in newspapers and forums in the months prior to the September, 1995 Referendum vote.

### **Preachy Pundits and Opinionated Citizens**

The discussion of the denominational schooling issue in the newspapers had its ebb and flow as any ongoing issue does. At times, such as after a platform or policy was released, there would be a great deal of discussion from columnists, educators, editors and the general public. Positions would be articulated by editors and columnists first and this would start a series of responses from readers of all religious stripe. One of the more consistent commentators on the issue was Peter Fenwick, a former leader of the Newfoundland New Democratic Party. In his column "Party of One", Fenwick often made inflammatory statements like this:

It is the Wells government claiming, through the divine right of polling to represent the wishes of the people, that is taking on a pathetic rag bag of Pentecostal pastors, doddering bishops, soon to be redundant teachers, and paid lackeys of the Denominational Educational Councils.<sup>31</sup>

This often began a string of response letters to the editor. For example, in response to Fenwick's attack, a Father McKenna writes to Fenwick presenting the United Nations' Declaration of Human Rights as an argument for denominational schools and states that the cost (in dollars) of democracy is always high. Fenwick attacks the priest's comments by saying the church is not a democratic institution and therefore his argument is moot.<sup>32</sup>

It is clear through his commentaries that his position is one which favours a public school system with no provision for denominationalism. Also, Fenwick often took the opportunity to discuss his perception of the government's motivation in this matter:

"[Clyde Wells] wants to encourage the Calvinist values of hard work and enterprise. He wants, in other words, to change the governing ethos of the province from Catholic to Protestant."<sup>33</sup>

Bill Callahan, another commentator held a different view from that of Peter Fenwick. Callahan wrote weekly on the virtues of a denominational education and criticized the "progress" of Clyde Wells: "In fact, if the Premier had set out to sabotage negotiations with the churches, which are scheduled to resume next week, he couldn't have done it better."<sup>34</sup> He also questioned the government's ability to manage schools in rural Newfoundland saying that he had "grave doubt [that] the crowd in [the] Confederation building can administer the system from their ivory tower east of the overpass."<sup>35</sup> He argued that most of the system's woes could be fixed without touching the rights of the Classes: "Indeed I am told this is true of 200 of the 212 recommendations in the Williams [The Royal Commission, 1992] report, which taken together would fix virtually every significant problem in Newfoundland education."<sup>36</sup>

On a national level, Robert Sheppard wrote several columns for the Globe and Mail concerning Newfoundland's educational system. He admired Wells determination to "rein in school boards".<sup>37</sup> He encouraged Wells to make the changes once the referendum vote turned out in favour of the yes side and he saw the negotiations with the churches as exhausted and the system clotted with administrative expense.<sup>38</sup>

Other columnists enlarged the kaleidoscope of responses to the debate. Cabot Martin, in his article "The school system is rotten to the core" contended that denominationalism in Newfoundland represented "the worst of England's colonial legacy."<sup>39</sup> Martha Muzychka was tired of the "two steps forward, one step back" nature of the negotiations. "Flip, flip. Presto-chango, and the DEC's are back."<sup>40</sup> Similar satire from Ed Smith compared the morality of Newfoundlanders with other Canadians. "For our children to be almost as good as youngsters Upalong, is the dream of every Newfoundland parent, is it not? Generations of Newfoundlanders before us have strived to be as good as Mainlanders."<sup>41</sup> Ray Guy has God chatting with "Chris", who turns out not to be Chris Decker, the Minister of Education, but Chris the janitor. "God [says to Chris]: I flung Lucifer down out of Heaven and he [Gerry Fallon] says Chris Decker can heave me out of the schools?"<sup>42</sup> Finally Patrick O'Flaherty, who made fun of them all, accused all the columnists of being "giddy goats" or people who speak stupidly.<sup>43</sup>

Members of the general public appeared to be just as diverse in their beliefs. W. F. Brazil felt that denominational education existed in theory only and it was simply "a hangover from an earlier tradition."<sup>44</sup> G. Laws saw the Newfoundland school system as anti-democratic as it was "totally producer driven. The four hierarchies, churches, unions, bureaucracy and politicians - carve up \$6000 per child."<sup>45</sup> Some individuals called upon the churches to start private schools.<sup>46</sup> Some readers of the Evening Telegram hypothesized that the loss of religious schools would lead to an increase in community violence; columnist O'Neil countered with his research stating that the increased violence was more likely the result of high unemployment and poverty.<sup>47</sup>

Another individual questioned the firing of a teacher on moral grounds because he married outside his faith: "I would raise the question, however, as to which is a better role model for children? A person committing him/herself to a loving relationship or a church responding in a dogmatic, uncompromising manner?"<sup>48</sup> Some name calling was done on both sides of the issue. The denominational schools were called "indoctrination mills"<sup>49</sup>, and its supporters were branded as an "obsessed" ... "old guard"<sup>50</sup> who should be punished if they did not comply with the government: "if any school should refuse to accept a student on religious grounds, have that school charged with discrimination and suspend all government grants."<sup>51</sup> One Catholic parent felt that any change in the rights of the Classes would be starting on "the road to gaining the world and losing our souls."<sup>52</sup> Another Catholic saw the denominational school question as an issue of control, control which he felt belonged in the hands of parents and the church:

No, the issues have been clouded with denominational education, cost savings and improved test scores. The real issue is control. Control over our Catholic Tax dollars and ownership of our schools.<sup>53</sup>

A number of writers pointed to the government and said that they were responsible for poor achievement in Newfoundland schools, believing that "issues such as the shorter school day/year, curriculum, and lower funding levels are more likely to affect achievement."<sup>54</sup> Others such as P. Walsh and J. Kevin McKenna, saw the issue in a similar way: "the core problem is the curriculum and the Department of Education."<sup>55</sup> Many others argued their position with support from the Universal Declaration of Human Rights,<sup>56</sup> the original Terms of Union,<sup>57</sup> and, in general, the lessons of history: "historically, churches have demonstrated a greater commitment to providing children

with quality education than has any other institution, including government."<sup>58</sup> There was a measure of fear mongering by some as well. John Neville, for example, felt that there was a strong connection between secular education and abortion.<sup>59</sup> "It must be remembered", he said "that both Stalin and Hitler challenged the might of the Roman Catholic Church."<sup>60</sup>

Teachers and other professionals were no less emotionally involved with the issue. Reverend Douglas Stamp told his congregation "of my fear that the proposal will eventually lead to a public secular school system" and that this was contrary to the "expressed wishes of the Catholic people in Newfoundland."<sup>61</sup> He cited the petition of 55,000 names presented to the government as evidence. Kevin Breen, a trustee with the Roman Catholic School Board for St. John's, took great offense to one of Fenwick's columns ["Who will administer the oath of allegiance?"]. He stated that Fenwick's information was "absolute rubbish" and that as a trustee of 12 years on the board he had "never experienced hierarchical or clerical interference or manipulation of school trustees."<sup>62</sup> Philip Heath, a professor at Memorial University, theorized that there was a relatively small but

militant minority that is dedicated to [the] removal of all traces of religion from the schools. The effects of this pressure have been felt right across North America for example in the removal of school prayer in many schools. I contend that to yield to this pressure is to engage in a strong form of intolerance."<sup>63</sup>

In direct contrast to this view, Derrick Bowring of the Royal Commission on Education in the 1960s, presented a case for the privatization of education, where all parents would get a voucher for their child and could enrol their child in the school of their choice.<sup>64</sup> A

former teacher, school administrator, and director at the Department of Education condemned both the government and the churches. Jim Mahoney reviewed both the Coterminous Model and Adjusting the Course and discovered in neither document any serious attempt to analyse the real problem. He asked this question of church and political leaders: "Have they the commitment to sincerely work towards reform which will put aside politics?"<sup>65</sup> A former Pentecostal superintendent and a St. John's school teacher believed that the "ending of the denominational schools in Newfoundland would, of course, eventually produce the same horrors in Newfoundland as in the United States."<sup>66</sup> In direct opposition to this, Herriott, an educational consultant suggested that "education along religious lines is as foul and disgraceful as education along any other fixed and limited ideological lines."<sup>67</sup> Stanley Sparks, a former school vice principal, who worked to consolidate schools in the Glovertown area, looked to history for its lessons. He noted that the proposed Schools Act of 1838 called for a secular education system but that this was lost in 1874 to a fully denominational school system. His conclusion was that "parochial thinking is intellectual suicide."<sup>68</sup> And some other voices went more moderate. In a letter to the editor of The Express, the Human Rights Association of Newfoundland reiterated its presentation to the Royal Commission of 1992:

The Association does not object to the delivery of religious education by the Department of Education but it does object to the institutionalisation of the Churches on school boards and the establishment of denominational committees with their invested powers to appoint board members and teachers and to dictate school construction. It sees pastoral care as taking place outside the school and family life education to be delivered by the Department of Education.<sup>69</sup>

## Editorial Advice Too

The editor of the Evening Telegram attempted to clarify the schooling issues and encourage its readers to vote in the Referendum. Hating Clyde Wells (The Premier at the time of the 1995 vote) or politicians had nothing to do with the vote, he said, and that, despite complaints to the contrary, there was sufficient information on which to base a vote. All that readers had to do was to consider the arguments presented in the Telegram during weeks before the vote. Finally, he told his readers, maybe it was a power grab by "two monolithic institutions" but a vote and a decision were still required by the citizenry.<sup>70</sup> The Telegram's position was to vote "yes": "We're voting yes for change, and for our future."<sup>71</sup> The editors of The Express wrote that "the system (of denominational education) will end, not because of any philosophical uprising against it, but because this province simply cannot afford it any longer;" if Classes wanted parochial education they "simply should pay for it themselves."<sup>72</sup> A Globe and Mail editorial called the referendum result "a sound choice for Newfoundland" because "they voted to save money and enhance efficiency."<sup>73</sup>

## The Referendum and Wells' Last Stand

In a brief to the Prime Minister and Members of Parliament, the Catholic Education Council, The Pentecostal Education Council and the Catholic Bishops of Newfoundland examined the voting results of Referendum 1995.<sup>74</sup> They noted that the majority vote represented only 28% of eligible voters, in 16 of the 52 electoral districts, that is those districts which were heavily Roman Catholic or Pentecostal in population, the voters rejected the government's amendment proposal (see Appendix G).<sup>75</sup> Noting

that Roman Catholics made up 37% of the island's population and the Pentecostal Assembly an additional 7%, the brief, indicated some 90,000 voters opposed the government and argued that "the affirmative result in the referendum was so narrow."<sup>76</sup> The brief concludes that the referendum process was "flawed" since it was wrong "in principle to rely on the results of a referendum addressed to the population at large as a basis for a restriction on the rights of numbers of groups who constitute a minority with in a population at large."<sup>77</sup>

The 54% referendum vote to amend Term 17 did not prevent the CEC from moving along its case in the political process even though (or perhaps because) it was on the losing side. It was determined that entrenched denominational rights would remain intact despite the outcome of the referendum vote. Clearly the government's determinations was contrary to this, and on October 31, 1995, the House of Assembly passed the required resolution making the adjustments in the schooling regime, set out in the referendum, an official constitutional amendment of Term 17.<sup>78</sup> The amendment was then sent to Ottawa for ratification by the House of Commons and Senate, as was required. The CEC reaction was to move its fight to Ottawa as well. It requested that the resolution be put before a House of Commons committee. It called upon the Senate to challenge the change, in part because of the amendment's confusing wording.<sup>79</sup> Fallon surmised that the wording of the new Term was so confusing that it was open to interpretation and that "the courts would have to rule on what certain sections of the amendment mean".<sup>80</sup> It appeared that the CEC planned to fight even the constitutional amendment until all political and legal avenues were exhausted in Ottawa or at home in



St. John's.

At home in St. John's, the Wells government was ending its term of office. Wells resigned as Premier of the province and Brian Tobin was the Leader of the Liberals as of February 24, 1996.<sup>81</sup> Earlier in January of 1996, the Wells' administration had tabled the proposed legislation for changing the Newfoundland educational system. Though the Referendum result was close, and though the process of constitutional amendment had not been completed in Ottawa,<sup>82</sup> the Premier was confident nevertheless that, with some exceptions, the legislation included many of the reforms called for by the Royal Commission and was reflective of the concerns of the citizens, though not all church leaders. Wells and his government colleagues were hopeful that the reforms would be in place by September, 1996. The main features of the proposed legislation concerning denominational schools were these:

- 1) The current denominational school boards would be replaced by 10 regional *inter-denominational* boards, each serving all schools in an area of the province.
- 2) School boards would be fully elected, with 10 denominational representatives and five persons of no declared denominational affiliation on each board.
- 3) All schools will have to be viable, in accordance with specific criteria. Schools in small isolated communities will be provided with extra support to ensure their viability but other non-viable schools would be consolidated.
- 4) Most schools would become *inter-denominational*, with students of all faiths having a right to attend. Where there is demand, and where numbers warranted, schools for specific denominations or denominational groups would continue to exist. A registration process would be conducted by school boards to determine the demand for *inter-denominational* and *uni-denominational* schools. Except for *uni-denominational* schools, teachers would no longer be hired or dismissed on denominational grounds. School boards would also be required to attempt to place in other schools teachers who are dismissed from a *uni-denominational* school for denominational reasons.
- 5) The Denominational Education Councils would be replaced by a single

inter-denominational body with primary responsibility for religious education.

6) A school construction board would be established, with responsibility for approving proposals for school construction or major renovation, based on provincial-wide priorities.

7) School boards would continue to have primary responsibility for delivery of educational programs and services within their regions. However, parents would be given more say in the operation of schools through the formation of school councils.<sup>83</sup>

In the government's view, these changes were consonant with the constitutional resolution it had passed in the House of Assembly, that resolution being based directly upon a winning referendum question in September of 1995. But would denominationalism as a contentious issue in Newfoundland be put to rest by the constitutional amendment and the new legislation inspired by it? To some it appeared that the traditional control and influence of the churches had been overcome and a new vision of schooling seemed on the horizon as Brian Tobin replaced Clyde Wells as premier.

However, implementation of the new schooling legislation soon proved to contain some perils for the government. By July of 1997, the government's plan was stalled by a court order sought by the Catholic and Pentecostal churches.<sup>84</sup> Would church influence be rekindled by a legal victory or would the government's reform agenda be resuscitated with a new energy and more radical thrust? Brian Tobin's second referendum provided the answer. As a result of a second Referendum, in September 1997, Newfoundland and Labrador established a non-sectarian, public school system, effectively ending church control altogether (see Appendix H). But that is another story for another day.

## **NOTES**

### **Chapter 4**

1. Gerald Fallon, interview by author, 28 March 1995.
2. Douglas Letto, interview by author, 31 March 1995. Letto was a reporter and an anchor for the evening news on CBC Television, St. John's. At the time of the interview he was the reporter who covered the activities in the House of Assembly. Gerald Fallon made himself very accessible to the media, especially after the February 24, 1994 when discussions between government and the churches were becoming quite divisive.
3. Mark Graesser, Evening Telegram, "What Referendum voters said", 26 May 1996, 11.
4. Fallon, March 1995.
5. Clyde Wells, interview by author, 19 August 1997.
6. Jennifer Smith, "Educational Plebiscite is a go", Evening Telegram, 24 June, 1995, 1.
7. Fallon, March 1995.
8. Fallon, March 1995. However, an editorial in the Evening Telegram on 1 July, 1995, 3 warns the Education Minister Decker to avoid a referendum along denominational lines as it would flaw the referendum process.
9. Robert Crocker, Interviewed by author, 27 March 1995.
10. Letto, March 1995.
11. Crocker, March 1995.
12. Letto, March 1995.
13. Letto, March 1995.
14. Letto, March 1995.
15. Fallon, March 1995.
16. Peter Sutherland, interview by author, 29 March 1995.
17. Sutherland, March 1995.

18. Sandy Goulding, interview by author, 30 March 1995. Goulding was the Executive Assistant to Mr. Chris Decker when Decker was the Minister of Education.
19. Art Ponder, "Denominational educational at any cost," The Morning Watch 14, no. 4, (winter, 1987): 21-23.
20. Our Children, Our Future, 64.
21. Our Children, Our Future, 73.
22. Our Children, Our Future, 74.
23. Our Children, Our Future, 75.
24. Romulo F. Magsino, "The Public Opinion Survey for the Royal Commission on Education Report: a Critique", (Unpublished paper, Department of Educational Administration and Foundations, University of Manitoba, 1992).
25. Michael Harris, UnHoly Orders: tragedy at Mount Cashel (Toronto: Penguin Books, 1991).
26. Our Children, Our Future, 86.
27. Our Children, Our Future, 87.
28. Our Children, Our Future, 87.
29. Our Children, Our Future, 88.
30. This interpretation was supported by Peter Fenwick in an article in the Evening Telegram entitled "Exactly what is denominational education?", 23 January, 1994, 5.
31. Peter Fenwick, "Clyde Wells' brave new Newfoundland," Evening Telegram. 12 December 1993, 5.
32. Peter Fenwick, "Education reform debate rages on," Evening Telegram, 2 January 1994, 5.
33. Peter Fenwick, "Wells and the Newfoundland Reformation," Evening Telegram, 19 December 1993 5.
34. Bill Callahan, "Has Clyde sabotaged school reform talks?", Evening Telegram, 29 December 1993, 4.
35. Bill Callahan, "Restructuring, a grab for power," Evening Telegram, 7 December 1993, 4.

36. Bill Callahan, "Most school reforms possible without affecting church Rights," Evening Telegram, 16 March 1994, 4.
37. Robert Sheppard, "Trying to rein in school boards," The Globe and Mail 25 January 1994, A21.
38. Robert Sheppard "Get on with it, Clyde," The Globe and Mail, 7 September 1995, A17.
39. Cabot Martin, "The school system is rotten to the core," Evening Telegram, 16 January 1994, 5.
40. Martha Muzychka, "One step forward two steps back," Evening Telegram, 7 September 1996, 19.
41. Ed Smith, "Heathens no match on the Second Coming," Evening Telegram, 8 January 1994, 18.
42. Ray Guy, "Divine Conversation," Evening Telegram, 3 September 1995, 3.
43. Patrick O'Flaherty, "Being turned into a goat is no joke!" Evening Telegram, 3 September 1995 4.
44. W. F. Brazil, letter, Evening Telegram. 2 January 1993, 5.
45. G. Laws, letter, Express, 26 January 1994, A6.
46. Beth Ryan, letter, Express, 12 January 1994, A9.
47. S.M. O'Neil, letter, Evening Telegram, 7 February 1994, 5.
48. T.C. Rogers, letter, Evening Telegram, 12 December 1993, 5.
49. Algie Murphy, letter, Evening Telegram, 7 January 1994, 5.
50. Joseph Gregory, letter, Evening Telegram, 28 January 1994, 5.
51. Joe Bennett, letter, Evening Telegram, 4 January 1994, 5.
52. Mary Ronayne-White, letter, Evening Telegram, 5 January 1994, 5.
53. Bill Jameson, letter, Evening Telegram, 30 January 1994, 5.
54. Anne and Harry Brown, letter Evening Telegram, 25 January 1994, 5.

55. P. Walsh, letter, Evening Telegram, 25 January 1994, 5.
46. J. Kevin McKenna, S.J., letter, Evening Telegram, 6 January 1994, 5.
56. Ruth Rice, letter, Evening Telegram, 13 February 1994, 5.
57. Mary M. Mercer, letter, Evening Telegram, 13 December 1993, 5.
58. Roy Belbin, letter, Evening Telegram, 3 December 1993, 5.
59. John Neville, letter, Evening Telegram, 9 December 1993, 5.
60. Ronald Maher, letter, Evening Telegram, 11 January 1994, 5.
61. Rev. Douglas Stamp, letter, The Evening Telegram, 13 February 1995, 5.
62. Kevin Breen, letter, Evening Telegram, 13 February 1994, 5.
63. Philip R. Heath, letter Evening Telegram, 6 January 1994, 5.
64. Derrick Bowring, letter, Evening Telegram, 27 February 1994, 5.
65. Jim Mahoney, letter, Evening Telegram, 31 December 1993, 5.
66. Geoffery Shaw, letter, Evening Telegram, 1 February 1994, 5.
67. John Herriott, letter, Evening Telegram, 7 December 1993, 5.
68. Stanley Sparkes, letter, Evening Telegram, 20 February 1994, 5.
69. Jerry Vink, letter, The Express, 12 January 1994, 7.
- 70., "We're voting 'yes'," editorial, Evening Telegram, 2 September 1995, 4.
71. "We're voting 'yes'".
72. "No faith in segregation," Editorial, The Express, 15 December 1993, 8.
73. "A choice for Newfoundland," Editorial, The Globe and Mail, 7 September 1995, A 16.
74. A Brief Regarding Term 17 of the Terms of Union with Canada Respecting Denominational Education Rights to the Prime Minister of Canada and Members of Parliament. Prepared by Catholic Education Council, Pentecostal Education Council, Roman Catholic Bishops of Newfoundland, the Executive of Pentecostal Assemblies of Newfoundland, 30 January 1996.

75. A Brief, 30 January 1996, 12. The analysis in the Brief is based on the "Report on Plebiscite of September 5, 1995" contained in The Newfoundland Gazette, Vol.70, no. 42. Issued in St. John's on Friday, October 20, 1995. This report shows 384,734 on the voter's list; 201,710 total ballots cast; 110,614 "yes" ballots, and 90,673 "no" ballots. See Appendix G.

76. A Brief, 12.

77. A Brief, 1996, 13. In a post referendum survey, Dr Mark Graesser of the Political Science Department of Memorial University, obtained some limited evidence that not all Catholic voters shared the CEC's view that the referendum was "flawed." Individuals surveyed who voted "No" in the referendum, 73% said that the denominational system wasted a lot of money in unnecessary duplication; of this percentage 87% were Catholic. When asked if school boards should have the right to refuse to hire teachers if they are not of the board's religion, only 13% of "No" voters said that they should; of these 13 % were Catholic. An additional question asked: "Do leaders of your church or religion speak for you on educational matters? 57% of "No" voters agreed with this statement; 34% of this percentage were Catholic. This may indicate that while many Catholics desired a Catholic education for their children they nevertheless wished to see some changes in that education. Also, some Catholics in 1995 also seemed wary of entrusting those changes to the hands of the church leaders in 1995. See Mark Graesser, "What referendum voters said," Evening Telegram, 26 May 1996, 11.

78. "House of Assembly Passes Education Reform Bill: Churches losing governing role in schools," Northern Pen, 14 November 1995, 9. As the Brief of the CEC and others of January 30, 1996 points out, in the legislative vote in the House of Assembly "cabinet ministers were required to support the resolution regardless of the referendum vote in their individual electoral districts. Despite this requirement by Premier Wells, the resolution secured 31 affirmative votes with 20 negative votes including 6 negative votes from government members of the Newfoundland Legislature." 12 - 13.

79. A Brief, 1996, 5-11,14.

80. Deanna Stokes Sullivan, "MHAs pass school reform," Evening Telegram, 1 November 1995, 1.

81. Deanna Stokes Sullivan, "Tobin Named Leader," Evening Telegram, 25 February, 1996, 1.

82. The House of Commons tabled the Newfoundland constitutional amendment on May 31, 1996. It passed this resolution again on December 5, 1996, six months later because the Senate failed to ratify the constitutional amendment. The failure of the Senate to ratify a constitutional amendment does not invalidate it so long as the House of Commons re-ratifies it after waiting at least six month to do so. Government of

Newfoundland and Labrador, Week in Review (St. John's: Newfoundland Information Services) December 2 - 8, 1996, 19.

83. Government of Newfoundland and Labrador, Week in Review. (St. John's: Newfoundland Information Services), January 1-7, 1996, 5.

84. Deanna Stokes Sullivan, "Judge Halts School Reform," Evening Telegram, 9 July 1997, 1.



## **CHAPTER 5**

### **THE CATHOLIC EDUCATION COUNCIL AS AN INTEREST GROUP**

The focus in this chapter is analytical - to look at the efforts of the CEC as an interest group to influence the behaviour and chances of other groups or entities with interests in denominational education, especially the government of Newfoundland and Labrador. Much of the narrative of this interaction has been contained in chapters 3 and 4; any additional aspects of the story essential to appreciating the CEC's effectiveness as an interest group are contained in this chapter and simply supplement chapter 3 and 4 or clarify the context of the political intentions already described.

#### **The Denominational Issue and the Interests of the CEC**

Pinpointing the main issue in any political debate is often a matter of personal viewpoint. According to Clyde Wells, the Premier of the province from 1986-1996, the issue was the efficiency of the schools and the control of educational expenditures; he wished to see the "decades and decades" of inefficiency end, since the churches' case "amounted to virtually a political fraud."<sup>1</sup> Robert Crocker saw the issue in less provocative terms; for him, the denominational issue was two-fold. For government, one issue was "efficiency and restructuring the [school] system for maximum efficiency, and that requires cutting across denominations."<sup>2</sup> The second issue, he claimed "had to do with control and that [because schools are] publicly funded, who should exercise what areas of control."<sup>3</sup> To Crocker, this made it difficult to focus the debate on the improvement of Newfoundland schools because the interests of the CEC as an interest group were contradictory to those of the government:

**The CEC itself has a very clear aim and only one aim, and that is to preserve Catholic schools in the province. It obviously, like the government, is interested in seeing that [school] achievement [improve], but clearly in the context of preserving Roman Catholic Schools.<sup>4</sup>**

**For Fallon, spokesperson for the Catholic Education Council, the issue was primarily one of minority rights, that is, the right of a minority, the Catholic citizens of Newfoundland, to retain denominational schools at the same level of accessibility as was guaranteed in Term 17 of the original Terms of Union. According to Fallon, the CEC saw in the recommendations of the Royal Commission "the establishment of a non-denominational school system of education and the abolition of Roman Catholic school boards."<sup>5</sup> Dr. Phil Warren,<sup>6</sup> a private citizen who had offered to assist in the negotiations in 1994 and who later drafted a letter outlining the issues for all parties,<sup>7</sup> saw the main issue as involving a delicate balancing act: "How can we have a system that is more efficient... fiscally, and still maintain the denominational character of schools".<sup>8</sup> In this balancing act, the CEC was seen, correctly, as wanting to maintain the right of parents to have their children educated in a Catholic context and to have control over the hiring of teachers in Catholic Schools.<sup>9</sup> Therefore, any adjustment to Term 17 was seen as frustrating these objectives of the CEC.**

#### **Specific Efforts of the CEC to Advance Its Interests**

**The CEC had been invited to assist in the drafting of the Terms of Reference to the Royal Commission on Education in August, 1990. Although the churches did not want denominational education as a point of review for the Commission, they were unable to convince the government to leave that off the Commission's mandate.**

Therefore, the CEC mobilized its supporters and briefs and reports were submitted to the Commission, and Catholic education supporters attended hearings during 1991. It is Robert Crocker's view that "they got their message through in no uncertain terms."<sup>10</sup>

Once the Commission published its report and the DEC's realized that denominational education was up for extensive alteration, they began to rally support around the island. They campaigned with their own constituents, held diocesan and town hall meetings (especially after March 1992 and into 1993), priests spoke from the pulpit, and PTAs and school board officials were asked to publicly express their position in favour of retaining denominational schools. Individuals and organizations, like the Catholic Women's League, met with MHAs and wrote letters to government.<sup>11</sup> In various ways, the CEC animated "all the forces that any interest group would use in defending its constitutional rights."<sup>12</sup> For example, a petition of 55,000 names was collected during one week-end in February, 1993 through the diocesan system and then presented to the House of Assembly.<sup>13</sup>

But there is divergent opinion on the impact of the petition on the government. Sandy Goulding, Executive Assistant to the Minister of Education, Chris Decker, claims that the petition had no effect at all because the government later received letters which said that parishioners felt pressured to sign the petition because "they were in church and priests were preaching from the pulpit that they had to sign this in support of their church."<sup>14</sup> Clyde Wells, Premier, agrees with Goulding stating that there was "nothing" that the CEC did which advanced their position in any significant manner:

"We sought to find a compromise solution by continuing

discussions with the churches for more than a year and a half and we were not able to work out a compromise because there were some within the two churches (Pentecostal and Catholic) who simply didn't want any change."<sup>15</sup>

Phil Warren's assessment is somewhat different:

"they [MHAs] were lobbied a great deal. The Church,[and] the parishes were doing their lobbying and the petitions were being presented, so these things have an impact. I mean it's natural."<sup>16</sup>

Warrens's assessment appears close to the mark because Wells announced in the House, on March 12, 1993, that he would work with the churches to try and bring about a consensus and not press for constitutional change.<sup>17</sup> This followed a year of newsletters to school board members and MHAs, media conferences with the Archbishop of St. John's and Gerald Fallon, and calls and letters to MHAs from constituents. This announcement appeared to satisfy the churches and the denominational school question did not become an election issue in May of 1993.

The Committee of Principles and the Working Committee were struck after the 1993 election and they began work in September, 1993 on a new model for school governance. It is interesting to note how different partisan participants saw this development in a similar way; Fallon and Letto saw this as a delaying tactic implemented by the government and Clyde Wells saw it as a delaying tactic of the CEC.<sup>18</sup> On November 22, 1993, the Coterminous Model was offered to the government by the Committee on Principles. The Coterminous Model was rejected.<sup>19</sup> On November 25, 1993, the government tabled a draft of its own position paper entitled Adjusting the Course: Restructuring the School System for Educational Excellence (Adjusting the

Course, Part I) which was the basic government position which Chris Decker operated on over the next two years.<sup>20</sup> As Crocker observed, "letters came in, of course, to the Premier, to the Minister, as you might expect..." after Adjusting the Course but "we were not flooded with them by any means."<sup>21</sup> Crocker contends that the Classes effected a few small changes to Adjusting the Course when Volume II of that document came out in February 24, 1994, one of the areas changed being the school board structure.<sup>22</sup> The government had wanted a fifteen- member board, with five members representing the denominations and ten at large. But the government changed its mind and switched to ten with denominational representation. This meant the government agreed to double the number of board members which must be denominationally affiliated. The government originally felt two thirds of the board would potentially vote as a block to support a particular denomination. According to Fallon<sup>23</sup>, he was able to persuade the Premier through the argument that the House members themselves do not vote along denominational lines just because they are of a particular denomination, so how could the government expect the school boards to do so.

Talks between the government and the clergy came to a standstill with the publication of Adjusting the Course: Improving the Conditions for Learning (Adjusting the Course Part II) but Dennis Brown, local lawyer and respected member of the Liberal Party, and Dr. Philip Warren, former Minister of Education, continued to act as mediators. These two men worked from May 1994<sup>24</sup> to May 1995.<sup>25</sup> And discussion did get restarted at the level of the Premier's office. "We tried to be a bridge," says Warren, by identifying the issues and by proposing some compromises.<sup>26</sup> Though lively

discussions were held within the caucus and letters still continued to be passed back and forth between the Premier and church leaders, little movement in positions was seen. Of this year long period, Wells later observed "The net result [of meeting and legal opinions] seems to be that the churches cannot agree to any proposal that does not meet the strict test of Term 17 of the Terms of Union."<sup>27</sup> On August 19, 1994, the Premier announced that the discussions were at a standstill so he was going to go ahead and legislate; as a result, the CEC filed Notice of Intent to litigate in September, 1994.<sup>28</sup> In October of 1994, the intervention of Browne and Warren identified compromises to the proposal that they believed would result in general acceptance by the churches while still maintaining the essential elements of the government's reform. In letters and discussions involving church and government representatives, during the period November 1, 1994 to February 27, 1995, Browne and Warren identified two key changes that they suggested would result in a proposal that would be generally acceptable to both the churches and government.<sup>29</sup> Those two key changes were reducing the majority vote required for the establishment of a uni-denominational school (in single school communities) from 90% to a simple majority, and equal treatment in bussing for all schools once established under the new school governance model. This proposal was presented on March 16, 1995<sup>30</sup> and meetings between church leaders and government representatives began again on April 6, 1995.<sup>31</sup> However, they ended in June, 1995 with Wells publicly saying "further discussions and negotiations with the churches .... is a waste of time."<sup>32</sup>

A cabinet shuffle in 1994 appears to have bolstered support among some MHAs for the CEC's position. One close observer of the events of the time, Mr Douglas Letto,

has observed that "the September, 1994 dispute in the Liberal Caucus was an extremely important unsettling event for the Government."<sup>33</sup> The Premier reshuffled the Cabinet and went to a meeting in Europe. Meanwhile the discontent festered. Many of the Ministers felt that Wells' opinion, made clear again in August of that year, meant that it was useless to continue the talks, and that the Government likely would move unilaterally toward a constitutional change. Mr. Decker admitted in October of 1994 to Doug Letto, a reporter for CBC, that, as Minister of Education, he did not move forward with legislation because of divisions in the caucus over the school reorganization issue.<sup>34</sup> Peter Sutherland, President of the NLTA, seemed to have the same impression that there were difficulties with in the Liberal Caucus on the issue and that this caused the government to change some of its positions as well. Clyde Wells claims that this was Doug Letto "speculating without foundation."<sup>35</sup> Yet Goulding claims that a second government poll, in October, 1994, was motivated by the mixed messages that were coming from the government's own members and from the general public.<sup>36</sup> Sutherland claims that this division had considerable influence over the process which followed; that is, there was a very strong base of support for the overall direction of the Commission, that is, to retain in a substantive way, the denominational system along with other reforms, especially in financing the system.<sup>37</sup> During the caucus dispute, "[the CEC] started a campaign, to my understanding, with just the Liberal members of the House of Assembly,"<sup>38</sup> says Goulding. In fact the CEC had a newsletter series which it circulated to all the members; these "MHA's Fast Fax" were sent out during the year, from September 28 to December, 1994.<sup>39</sup> Letto, Goulding, Fallon and Sutherland agreed that

this intense lobbying effort directed at the Liberal members of the House of Assembly heightened the degree of discord over the kind of approach government was taking with the churches.<sup>40</sup> Sent on a regular basis to the members of the House of Assembly, the "MHA's Fast Fax" was an essential fact sheet pointing out where the Government was reported to have improperly stated the position of the Catholic Education Council. Eleven Liberal MHA's including one Cabinet Minister went on record as expressing serious differences of opinion with Premier Wells on the denominational aspects of Adjusting the Course II.<sup>41</sup> The eleven MHA's felt that they were getting a distorted view of the situation.<sup>42</sup> "The Fact sheets outlined a number of things and that caused a lot of confusion, I think, with Caucus," says Goulding, "so that was one of the major influences of a political nature."<sup>43</sup>

Warren claims that there were a considerable number of meetings between 1993 to 1995 with "all kinds of people" but that no particular meeting appeared to have a large impact.<sup>44</sup> Further he claims that the Minister of Education was getting substantial support from people who wanted reform but because these reformers were not very public about their views this was generally not known.<sup>45</sup> Warren and Browne met with caucus in March of 1995 and a lively debate was held on the contentious points of the two positions. "Some of the strongest supporters of the traditional system were not necessarily Roman Catholic," says Warren.<sup>46</sup>

In January, 1995 the three Denominational Councils put together a brief and they went to Ottawa to present it.<sup>47</sup> This was followed by a second brief in January, 1996 addressed specifically to the Prime Minister and MPs, after the 1995 Referendum. Early



on, the Denominational Council wanted their position known in Ottawa in case the government decided to propose a constitutional amendment to Term 17. Among others, the group met with Brian Tobin, who was Fisheries Minister at the time. Tobin said that his position was that this was a provincial issue and he would prefer it was settled in the province.<sup>48</sup> Senator Dooley, who was the majority Leader in Senate, supported the cause of the DEC's.<sup>49</sup> The three Councils also met with George Baker, a federal Liberal MP from central Newfoundland, who told them, unequivocally, that he supported the churches' position and that they had a strong argument, and that all this business about efficiency and effectiveness and duplication lacked credibility.<sup>50</sup> Also a meeting of the DEC's with the Assistant Deputy Minister on Constitutional Affairs in the Privy Council and the Director of Constitutional Affairs in the same office helped clarify the issues regarding the constitutional amendment process.

Warren believes that the September 15, 1994 decision of the CEC's to "file a notice of intended court action if Government legislation contravened constitutional rights"<sup>51</sup> had some influence on the government. Further, Warren believes that the government was not as prepared as it should have been in terms of its legal position and, it was not sure of its own ability to win a constitutional challenge and, initially, "the Catholic Church was very effective in Ottawa."<sup>52</sup> And this had the effect of stalling unilateral action by the provincial government. "I felt that there may [have been] some game being played here, that they were trying to delay the game," says Goulding.<sup>53</sup> According to Letto, "legislation was closed down by the caucus, and even the concept of a constitutional amendment had a bit of cold water being poured on it from Ottawa."<sup>54</sup>

Crocker saw this as a "peremptory" move as opposed to a reaction to anything the government had done. Wells saw the support of the Senate for the churches as an opportunity for the PCs in the Senate "to get back at the Liberal party for what the Liberal party had done on the GST."<sup>55</sup>

The Denominational Councils fought to retain the rights of the classes largely on their own. There was "no organized lobby group out there besides the DEC's except for a couple of small groups that had sprung up within their own [community] called Alliance for Choice."<sup>56</sup> "They ran a couple of commercials of their own and they kind of flopped...the first thing that came to people's mind was the Mount Cashel thing. It kind of backfired on them."<sup>57</sup> The political action of the Pentecostal Education Council reinforced the actions of the CEC; they moved along similar lines as they had basically the same goal and the PEC joined in on the trip to Ottawa. The Integrated Council's position was less clear during the whole debate. Though the four classes of persons in this Council had positive experiences with inter-denominationalism, they were cautious of the possibility of losing their entrenched rights and the Catholics and Pentecostals keeping theirs.

What was the position of other interest groups on the issue? The Knights of Columbus strongly supported the Catholic Education Council's position and said that they would financially support the Roman Catholic Church to the tune of 40% of their campaign if they were to go to court.<sup>58</sup> The Home and School Federation took the point of view that they supported major reform but they didn't take a very strong position pro or con regarding the proposed changes to the denominational system itself.<sup>59</sup> The School

Board Association took a stand similar to that of as the Home and School Federation.<sup>60</sup>

The Board of Trade spoke in favour of the Royal Commission's recommendations.<sup>61</sup>

By the spring of 1995, it was apparent that neither party was particularly pleased with the other's position and talks were, for all intents and purposes, stalled until the Referendum vote in September of 1995. The government used the outcome of the vote as support for its position and, despite the referendum outcome, the CEC reiterated its view that a referendum ought not to apply to this debate as the majority of Newfoundlanders did not have the right to take away rights held by a minority. Clyde Wells stood by the position essentially outlined in Adjusting the Course, Part II until his resignation from office in February, 1996.

## **NOTES**

### **Chapter 5**

1. Clyde Wells, interview by author, 19 August 1997.
2. Robert Crocker, interview by author, 27 March 1995.
3. Crocker, March 1995.
4. Crocker, March 1995.
5. Gerald Fallon, interview by author, 28 March 1995.
6. Dr. Philip Warren was at the time of the interview a private citizen, but his credentials included, former Minister of Education under the Wells' Administration, former Royal Commission Chair on Education in the 1960's and a professor of Education at Memorial University.
7. The involvement of Dr Phil Warren and Mr Dennis Brown can best be summarized by the words of former Premier Clyde Wells. "With the approval and indeed encouragement of the churches, the government agreed to the intervention of Dr. Phil Warren and Mr Dennis Brown who offered their good offices to identify further compromise to the proposal." Clyde Wells, letter to the heads of the denominations, 31 May, 1995.
8. Phil Warren, interview by author, 3 July 1996.
9. Warren, July 1996.
10. Crocker, March 1995. See, for example, the list of submitters (Appendix V) and Consultations with Individuals and Groups( Appendix VIII) in Our Children, Our Future: The Royal Commission of Inquiry into the Delivery of Program and Services in Primary, Elementary and Secondary Education, (St. John's: Government of Newfoundland and Labrador, 1992).
11. Several interviewees testified to this "lobbying" activity, including Gerald Fallon interview by author 30 March 1995, Sandy Goulding, interview by author, 30 March 1995, Doug Letto, interview by author, 31 March 1995, and Peter Sutherland, interview by author, 29 March 1995.
12. Warren, July 1996.
13. Fallon, March 1995 & Archbishop James MacDonald, statement at a news conference (St. John's: Newfoundland, 12 September, 1994).

14. Goulding, March 1995.
15. Clyde Wells, interview by author, 19 August, 1997.
16. Warren, July 1996.
17. Fallon, 1995 & Clyde Wells, letter to the leaders of the denominations, 31 May, 1995. Well's statement in the House of Assembly on March 1993 was this: "Mr. Speaker, in response to the church leader's concern that implementing certain recommendations of the Royal Commission Report would jeopardize their traditional rights, government has assured the leaders that it is not seeking change to the Constitution that would remove the constitutionally-protected rights of classes of people specifically provided for." Catholic Education Council, Pentecostal Council, Roman Catholic Bishops of Newfoundland, the Executive of Pentecostal Assemblies of Newfoundland. "Regarding Term 17 of the Terms of Union with Canada Respecting Denominational Education Rights." Brief to the Prime Minister of Canada and Members of Parliament. St John's: Newfoundland, 30 Jan. 1996, 13.
18. Wells, interview, 19 August 1997.
19. Fallon, 1995 & Wells, letter to the leaders of the denominations, 31 May, 1995.
20. Fallon, March 1995 & "Chronology of an Impasse," Fax Newsletter for School District Steering Committee, 28 October, 1994, 3.
21. Crocker, March 1995.
22. This according to a letter written by Mr. Wells to the denominational leaders in May 1995. Adjusting the Course part II appears to have satisfied the Integrated Denominational Council.
23. Fallon, March 1995.
24. Phil Warren, letter to Premier Clyde Wells, 10 May, 1994.
25. Clyde Wells, letter to the leaders of the denominations, 31 May 1995.
26. Warren, July 1996.
27. Wells, letter to the leaders of the denominations, 31 May, 1995.
28. Fallon & Letto, March 1995 & "We take a Stand," Fax Newsletter, published for School District Steering Committee, 30 September 1994, 1.
29. Phil Warren & Dennis Browne, letter to Premier Clyde Wells, 1 November 1994.

30. Wells, letter to the leaders of the denominations, 31 May, 1995.
31. Wells, letter , 31 May, 1995.
32. Deanna Stokes Sullivan, "Talks down for the Count," Evening Telegram, 2 June, 1995, 1.
33. Letto, March 1995.
34. Letto, March 1995.
35. Wells, August 1997.
36. Goulding, March 1995.
37. Sutherland, March 1995.
38. Goulding, March 1995.
39. Gerald P. Fallon, a collection of "MHA Fast Fax," 12 December, 1994. Catholic Education Council, St. John's, Newfoundland, issues 1 - 11.
40. Sutherland, Fallon, Crocker, and Goulding, March 1995.
41. "Liberal MHA's Differ with Premier Wells on Educational Change," Fax Newsletter, published for School Steering Committee, 7 October, 1994, 1. The MHA's were: Percy Barrett (Bellevue), Dave Gilbert (Burgeon- Bay d'Espoir) , Melvin Penney (Lewisporte), Gerald Smith (Port au Port), Beaton Tulk (Fogo), Oliver Langdon (Fortune-Hermitage), John Crane (Harbour Grace), Don Whelan (Harbour Main), Walter Carter (Twillingate), Graham Flight (Windsor-Buchans), & Cabinet Minister Lloyd Matthews (St. John's North).
42. Fallon, March 1995.
43. Goulding, March 1995.
44. Warren, July 1996.
45. Warren, July 1996.
46. Warren, July 1996.
47. "Regarding Term 17 of the Terms of Union of Newfoundland with Canada Respecting Denominational Education Rights," a brief prepared by the Integration Education Council, the Catholic Education Council, the Pentecostal Education Council, the Seventh-Day Adventist Church in Newfoundland, 23 January, 1995.

48. Fallon, March 1995.
49. Fallon, March 1995.
50. Fallon, 1995
51. "Chronology of an Impasse," Fax Newsletter for School District Steering Committee, 28 October, 1994, 3.
52. Warren, 1995.
53. Goulding, 1995.
54. Letto, 1995.
55. Wells, 1997.
56. Crocker, 1995.
57. Goulding, 1995.
58. Goulding, Letto, Sutherland, March 1995.
59. Sutherland, March 1995.
60. Sutherland, March 1995.
61. Sutherland, March 1995.

## **CHAPTER 6**

### **SUMMARY AND CONCLUSIONS**

This study examined the interest articulation process of the Catholic Education Council in its struggle, during 1993-95, to preserve denominational education in Newfoundland and Labrador and the role of the Catholic Church in the governance of Catholic schools. In particular, the study sought to answer three main research questions:

- 1) What were the interests of the Catholic Education Council in this struggle?
- 2) How did the CEC pursue these interests? That is, what political pressure techniques were employed by the CEC to preserve the denominational school system more or less as it had operated under Term 17? Further, what political and legal avenues did the CEC use to advance its position to secure or obtain educational arrangements, policies, and practices acceptable to it?
- 3) In general, to what extent was the CEC successful in shaping the political commitments and actions of the government of Newfoundland and Labrador on schooling governance, especially during 1993 - 1995?

The essential findings and conclusions with respect to each question are summarized in the discussion which follows.

#### **What Were the Interests of the CEC During 1993-95?**

As was its mandate, the CEC fought to protect the traditional rights of Roman Catholics which were outlined in Term 17 of the Terms of Union. Its fight began with the development of the Terms of Reference for the Royal Commission, when it tried to prevent the examination of denominational education from being included in the



mandate of the Commission, and it ended when the Catholic Education Council was transformed into a Catholic Education Committee under the direction of Mr Bonaventure Fagan on July 26, 1996.<sup>1</sup> From the beginning, the interests of the Catholic Education Council were religious, educational and legal. The Mission statement of the CEC pointed to its desire to teach children to emulate the life of Christ; its legislative mandate spoke to its role in protecting the right of the Roman Catholics to have their children taught in a Catholic atmosphere. The CEC had within its domain of influence the selection of school board members, the selection and certification of teachers, the allocation of monies to repair and construct schools and the right to make recommendations on school boundaries and on teacher training. In effect, the CEC had a legal mandate to be a denominational advocate. As this denominational advocate, the CEC's most important task was to preserve the traditional rights and privileges of the Catholic minority in schooling and, therefore, to prevent any significant adjustments to these entitlements by the government of Newfoundland and Labrador.

#### How Did the CEC Pursue Its Interests?

Especially during 1993 - 95 the CEC employed many techniques that an interest group ordinarily employs to promote its position, and one or two some interest groups never are able to use. The CEC had the privilege of having had input into the Terms of Reference for the Williams Royal Commission. Additionally, it submitted a substantial brief to the Commission, held public meetings to disseminate information and to rally support, spoke to the media, organized petitions and tabled them in the House of Assembly. Government Members were contacted directly through letters, faxes and

phone calls. Public and private meetings were held with interested Members of the House of Assembly. Committees were struck between vested interest groups and government and private citizens were called on to mediate, having in mind its interests. The CEC had a special ability to influence and to access the channels of decision-making because it was an institutionalized, indeed, statutory, interest group. Its role as a "watchdog" of the rights of the Roman Catholics in the educational system in Newfoundland was a legislated role. This gave it access to Cabinet Members directly, so as to obtain funding for its cause and to fight for its position in court. Item 7 of its mandate underscored pointedly the scope of its legitimate influence: "to examine and study all proposed legislation, regulations and amendments to existing legislation and to make recommendations to the Minister on proposed changes."<sup>2</sup> In essence, it was its job to challenge the government's attempts to alter the rights of the Roman Catholic Class of persons. To that end, the CEC prepared litigation, filing a Notice of Intent to litigate with the Attorney General of Newfoundland and the Attorney General of Canada, on September 15, 1993.<sup>3</sup> It capitalised on the discontent in Cabinet in the fall of 1994 by lobbying MHAs while Mr. Wells was in Europe and it rallied support in Ottawa in January, 1995 with both MPs and Senators, and hired as consultant, the ex-Premier of the Province, Brian Peckford, to advise on political strategy. It was willing to go far in pursuing its interests:

If a constitutional amendment is sought - we will deal with that, and we will go to the wall on this issue. We will not relinquish. You might want to conclude that ..., if Government wants to remove our rights in education they are going to have to take them from us."<sup>4</sup>

Indeed, that is what the government did in the fall of 1997.

### **Was the CEC Successful in Advancing its Interests?**

According to Wirt and Kirst(1992) in their application of Easton's systems analysis, the interest articulation process has three components: demands are made of the political system; these demands are channelled into the policy-making system; and finally, conversion is accomplished, that is, a change or no change in policy is made as a result of actions taken by an interest group.<sup>5</sup> The central demand of the CEC was to prevent any change in the guarantees given to the denominational Classes in Term 17. In order to communicate their demands the CEC used a number of access channels that it had to the policy makers. Initially, because of the institutional nature of the Council, it was asked for feedback by the Government of Newfoundland on the Terms of Reference for the Royal Commission established in 1990.<sup>6</sup> Another articulation of demands were the briefs submitted to the Royal Commission on Education regarding denominational school system by parties and individuals interested in denominational education. Meetings were also held with district MHA's to discuss concerns. The meetings were of two kinds, one in which the CEC spoke directly to the Minister and others where the Minister spoke to a group at an organized meeting. After the petition of 55,000 names was presented in the House of Assembly, Fallon felt that the conversion process had started because the Premier agreed to a more cooperative and interactive means of consensus building. And so the Committee of Principles was born. However, despite the work of the Committee, the government rejected the "church model" in November, 1993 because it did not "substantially alter the system of governance and failed to address

changes at the school level”.<sup>7</sup> And the church leaders rejected both of the government’s counter proposals for school reform: Adjusting the Course: Restructuring the School System for Educational Excellence (November 25, 1993) and Adjusting the Course: Improving the Conditions for Learning (February 24, 1994).

Though the CEC had felt it had achieved “a conversion” in policy to its favour on March 12, 1993 - because the Premier stood in the House and stated that he would not use a constitutional amendment to take away the rights of the Classes<sup>8</sup>- later events proved it had not. The Government’s rejection of The Coterminous and Cooperative School Model showed that “conversion” had not taken place and meaningful dialogue between church and state ended after the publication of Adjusting the Course Part II in February, 1994.<sup>9</sup> Certainly, additional pressure was brought to bear on the government by the CEC through legal challenges, that is, the use of the judicial channel to achieve conversion by another means. In September, 1994 the CEC filed a Notice of Intent with the Attorney General of Newfoundland and the Attorney General Of Canada to litigate the issue if the Government brought forward legislation that was in violation of the constitutional rights of denominational Classes. The government did not legislate; instead, it brought forward the adjustments it framed in a referendum in September, 1995.<sup>10</sup>

An examination of the government’s position in the 1995 referendum would show that it had backed off significantly from the Royal Commission’s recommendations. Even under the 1995 referendum, the rights of the Classes were still entrenched in the Constitution, though modified. However, the CEC continued to press

its traditional position in early 1996 with the new Tobin government and later in Provincial Court. Perhaps to its own demise.

In the summer of 1996 the Catholic Church asked for a court injunction to prevent the reorganization of schools based on the the registration system devised by the government. Following the 1995 Referendum, the government called for a registration process to take place after a new school board was appointed, to determine whether schools would be "inter-" or "uni-" denominational. The position of the Wells' government was that all schools would be inter-denominational and if parents wanted a uni- denominational school and that school was viable, then it would be allocated. The CEC wanted all schools to start as uni-denominational and be converted to inter - denominational only by specific means. It was Justice Leo Barry's decision that the school registration system could ignore non- returns of a parent's preference for *denominational* or *inter - denominational* schooling instead of counting them as votes for *an inter - denominational school*, as was done in March 1997. Justice Barry's interpretation of Term 17 of the Constitution was that it permitted the government to regulate but not abolish the rights of separate denominational schools.<sup>11</sup> The response of Brian Tobin's government to Justice Leo Barry's decision was to further curtail the freedoms of the Classes, not to return their rights to their former status.<sup>12</sup> Ultimately, the CEC as an interest group may have pressed too hard and used one access channel too many. Certainly, the second referendum question of Brian Tobin, in September 1997 (see Appendix H) was the most hostile to the CEC's traditional interests. And the outcome led to an abandonment of the denominational arrangement of school

governance in a revised constitutional amendment. Had the CEC and others of similar religious persuasions let the first amendment stand, they might have preserved a constitutional form of denominational governance, modified to be sure, in Newfoundland and Labrador's school system. They did not, and a non-denominational system was the ultimate result two years after the first Referendum.

#### **Epilogue: Was the CEC "Guardian of a Ghost"?**

Can an interest group go too far in pressing its demands? Can it lose touch with its constituency and fail to represent accurately the sentiments of its supporters? Is there a line at which lobbying for one's interests must end and concessions need to be made or all will be lost? In the summer of 1997, the CEC appears to have crossed that line; it lost everything in September, 1997 when the second referendum passed with a larger majority. By the end of the Wells administration, the CEC was in a reasonably solid position with reference to Catholic privileges in schools. The proposed School Act of January, 1996 gave class rights to the same classes as had them in 1949; this included proportional seats on school boards and the right to uni-denominational schools. The Senate hearings of the Summer of 1996 supported the provincial government's position that the status of denominational classes in Newfoundland's educational system remained largely unchanged: "there is nothing in the proposed amendment which can be said to oppress religious minorities."<sup>13</sup>

Did the CEC receive an adequate opportunity to present its case? It appears so:

No one has suggested that any religious group was denied an opportunity to participate fully in the extensive, lengthy public process leading up to the proposed amendment--indeed,

**we were impressed by the organization of the Roman Catholic and Pentecostal groups, in ensuring that their views were presented to the committee in full.<sup>14</sup>**

**The testimony of the Hon. Allan Rock, Minister of Justice and Attorney-General, speaking to the Senate Committee on denominational education in Newfoundland on June 20, 1996, was that he saw a "process that has been open, methodical and fair, and now we are being asked to participate so a national government can make it happen."<sup>15</sup>**

**The CEC put forth the argument to the Senate that the referendum question was too confusing for the public to understand and therefore the results should be ignored. While the Senate heard witnesses that questioned whether voters understood the issue before them the same cannot be said of the MHAs. Additionally there was an election in March of 1996 with a new Cabinet sworn in on March 14.<sup>16</sup> Curiously, the denominational school question did not become a major issue. Mr. Loyola Sullivan, Leader of the Official Opposition of Newfoundland and Labrador in July of 1996, said that Term 17 did not become "an issue in my district, which is probably a 97 percent Roman Catholic district".<sup>17</sup> For Sullivan, people of the province saw the amendment in much the same way as did the Senate Committee:**

**The evidence is clear: the proposed amendment to Term 17 enjoys the full support of the Newfoundland government. Indeed, it enjoys the full support of the House of Assembly. Each of the leaders of the political parties represented in the House of Assembly came before this committee, and urged us to pass the proposed amendment in its original form.<sup>18</sup>**

**For the government of Newfoundland and Labrador, it was "clear that this particular change was the result of at least six years of discussions, beginning with the appointment**

of the Royal Commission on Education, appointed in August 1990.<sup>19</sup>

On December 19, 1996 the Tobin administration implemented an act to amend the Schools Act and the Education Act, which was a reflection of the new Term.<sup>20</sup> Never the less, two Classes, the Roman Catholics and the Pentecostals, then took the provincial government to court on the methodology they used to determine numbers for uni-denominational schools as well as on the government's view that all schools begin as inter-denominational and are designated uni-denominational only after sufficient numbers have registered their desire to have a uni- faith school.<sup>21</sup>

The Barry decision on July 9, 1997 arrested the government's implementation plans.<sup>22</sup> Soon thereafter, on September 2, 1997, the results of the second referendum found 73 % of the public who cast a ballot were in favour of a new referendum question: "Do you support a single school system where all children, regardless of their religious affiliation, attend the same schools where opportunities for religious observances are provided?".<sup>23</sup>

Why did the support for the government's position, on the second referendum, shift upwards almost 20%? One possible explanation is suggested by Mann's book, Policy Decision-Making in Education. Mann believes that when people orient themselves to a political system, they do so with respect to three objects for their support: the authorities, the regime and the community.<sup>24</sup> Had the public's respect for the educational authority of the DEC disappeared? In the TV show "Hot Seat", Chris Decker asked the question of the live audience: Who do you trust, Chris Decker or Gerry Fallon? The audience response was a sceptical laugh. This appears to indicate a lack of support



in either the government's ability or the DEC's ability to represent the public's will.<sup>25</sup>

Doug Letto speculated that the support of Roman Catholics for the Church had fallen off since the Mount Cashel child abuse scandal.<sup>26</sup>

Dale Mann also employs the concept of "regime" to refer to the set of rules and structures through which political inputs are transformed, including custom, tradition or system norms.<sup>27</sup> Warren speaks to this concept and suggested that the community and traditions have changed and that the "natural evolution" of education in Newfoundland would have reduced the power and governance of churches in schools over time. He thinks that the problem of the Newfoundland public debt pushed this issue into earlier and more direct action by government. Also, Warren cites the consolidation of schools in the 1960s as the starting point of school system transformation, the joint service agreement of the 1980s as the continuation of change, and the hiring of teachers across denominational lines as exemplifying the natural evolution of the system.

Or did the churches, by pushing their position with the Senate and with the courts in Newfoundland, remind citizens of the negative elements of past church control and church power? Did the desire for traditional prayer and religious observances, so desired in 1995, lose out to the public's growing distaste for the paternalistic attitude of the churches? Community, according to Mann, is the "we-feeling" which Easton defines as "a universal readiness or ability to continue working together to solve...problems."<sup>28</sup> In 1997, the Roman Catholic Church and the Pentecostal Church showed signs of being more concerned with their own power than with quality education and their actions clearly continued to delay the government's educational reform. Had the "we-feeling" of

community - even among members of a single denomination- become attenuated? Had the general public lost its "we-feeling" by 1997?

Or is the explanation for the referendum outcome of 1997 as Clyde Wells sees it? Wells contends that the decision to take the CEC's position to the Senate and to the Supreme Court of Newfoundland and, therefore, to "thwart the will of the people"<sup>29</sup> thereby brought the downfall of the denominational interest. Or was it a battle that the general public was just not interested in until they were really forced to become involved? Was the CEC a "head with out a body", leading a group that was no longer there? Was the CEC "guardian of a ghost"? Perhaps it was.

It was the mandate of the CEC in its by-laws, as an institutional interest group, to fight for the rights of the Class it represented. But as an institution had it run the risk of not knowing the real wishes of the citizens it represented? Had the CEC become too distant from the people, and was it protecting rights that people no longer wished to have? In some respects, that self-same protection of rights caused their people to move against it or, simply because of apathy, failed to secure their willing cooperation and support. Possibly so. Fallon contends that "Catholics have themselves to blame.... Many Roman Catholics did not come out to vote [for the first referendum]. We could have won this referendum and we didn't", [Catholics] "don't know how much they've lost".<sup>30</sup> Moira Baird, editorial page editor of the Evening Telegram, had expected to be "inundated with letters about the education reform issues. But that hasn't been the case."<sup>31</sup> Some individuals speculated that the public was confused by the issue and the wording of the first referendum question.<sup>32</sup> Others felt that voters were disgusted with

the whole issue and Paul Shelly, an MHA, said that people in his riding of Baie Verte-White Bay were telling him that "they're voting against a mess."<sup>33</sup>

It could be said that, up to May 1996, the CEC was effective in lobbying the government not to take away rights, but it was not effective in convincing the general public of the denominational right to govern schools in the province. As an institutionalized interest group, its access to government was considerable, but its connection to the general public was perhaps very weak. The complexities of an inter-denominational/uni-denominational school system was not the reform the public was looking for.<sup>34</sup> The Wells proposal for an inter-denominational school system structure was as far as the government was willing to go. But the loss of the CEC's right to operate separate school boards as well as control capital funding to schools on religious lines was more than the CEC had been willing to give up. It pressed on to the Senate and to the Supreme Court of Newfoundland. These were, perhaps two steps too far. Ultimately, the government moved to remove the Classes from school governance entirely.

According to one commentator, this was the direction that the majority of Newfoundland people favoured.<sup>35</sup> The result of the 1995 referendum, and the greater margin of "yes" vote in the second referendum, in 1997, confirm this commentator's view. Each results also suggests that to some extent, the CEC had lost its constituency, was a guardian of sentiments no longer strongly held, and was, by the mid 1990's, unable to mobilize its traditional constituency to support its traditional interests.

Phil Warren, a long time observer of the situation, saw the negotiating process as flawed. From 1990 to mid - 1997, the debate went on among high profile leaders. This

pitting of powerful people against each other, coupled with the fact that these men had very particular views on the issues, led to stalemate after stalemate. "And once he [Clyde Wells] agrees on a certain line, you're got to have the arguments to change [his mind]...and on this one he had a rational position from day one and stuck with it."<sup>36</sup> Warren thinks that if the public debate had been generated earlier, then the outcome of this issue may have been different. It certainly would have been less protracted.

In an interview in August, 1997, Wells said that he did not call for a public school system in 1995 for three reasons - first the church had a long history of involvement in education in Newfoundland; secondly, he saw a positive contribution to education in churches continuing to have a role in pastoral care and observances; and, finally, he didn't think the public would endorse a public system as it was too much of a cultural shift for the province. However the ex-premier thinks that the churches were the "authors of their own misfortune", in that the misrepresentation of the churches during the first referendum campaign, and the attempt to thwart of the results of that vote by involving the Senate and the Court, "galvanized and aggravated the overall majority of the people of the Province; they lost all tolerance for the position of the two churches" [Catholic and Pentecostal].<sup>37</sup>

Lynn Verge, the former Leader of the P.C. party, suggested in 1995 and said that the first referendum proposal did not go far enough: "the proposed amendment further entrenches the power of the churches running denominational schools."<sup>38</sup> In hind-sight, she may be considered prescient and wise; ironically, it was her position which ultimately was most reflective of the public's will. Possibly, the general public did not

understand fully the nature of the CEC nor its role in the system. Perhaps Newfoundlanders do not see education as an arena where they should be politically involved; that is, they are involved in their child's school but they are not involved in the school system politically.

There was a sense for a number of years that the "Yes" and the "No" sides should stay out of the debate. The NLTA, the Trustees, the Orange Lodge and even the Knights of Columbus drew back from the debate to avoid dredging up old bigotries, says Warren.<sup>39</sup> Most members of the general public don't even know when school board elections were held, let alone get out and vote in them, says Dr. Graesser.<sup>40</sup> This may be due to the perceived power churches have had on school boards; it may be that school taxation is taken as income tax and therefore taxpayers don't see their connection with schools, or it may be a perceived distance between school and community. Many may see the school as a bounded and distant institution. Whatever the reason for the general public's late arrival in the school reform debate, their presence did not help bolster the churches' position. Their involvement worked against the churches, it seems. In the years to follow, will demoninationalists regret what happened in Newfoundland and Labrador schooling? Who can say?

#### **Suggestions for Further Study**

This study was limited in scope and focus. A fuller understanding of the CEC's methods, success and failure in pursuit of its interests would be obtained if a closer look were given to its internal constituencies and the dynamics of articulating its public position. A related investigation of the other denominational Educational Councils and

their interactions with government, and the CEC itself, would help secure a better understanding of the extent to which a church role in governance was or was not widely favoured, and in what forms. Additionally, a closer examination of specifically legal issues, proceedings and their outcomes, especially the Barry decision, would likely shed more light on the politics of denominationalism in Newfoundland.

Clearly, the most significant aspect of denominational politics in the province was the decision, on two occasions, to hold a province-wide referendum and seek a constitutional adjustment of the schooling regime. Each of these referendums could be studied in more depth, including the campaigns during each one. Also worthy of future study is the national politics which accompanied the referenda and the constitutional resolutions and the provincial and legal political developments, especially between September 1995 to September 1997, which led to the second referendum and the second constitutional resolution.

#### Postscript

It is of interest to note that Court challenges continue even after the two referendums, the two legislative changes, and the two constitutional changes. In of June of 1998, the parents of a long standing Catholic Boys' school in the capital city took the Avalon East School Board to Court for its decision to close St. Bonaventure's School as of June 1997. They were awarded a stay on the school closure on the basis of the board's failure to give the parents due process. Due process was given and the school was closed a couple of weeks before September 1998.<sup>41</sup>

Voter turnout for the school board elections in the spring of 1998 was the highest

ever for an election of this kind.<sup>42</sup> Some communities saw 90% voter turnout. Large numbers of individuals put themselves up for election, and most seats were hotly contested with individuals making their religious position clear. The job in the upcoming term of office will not be an easy one with the large scale closure of schools predicted for all 10 school districts. The politics of which schools stay open and which ones close will be especially interesting to watch.

How much has changed in the schools themselves? For the moment, little. One could still see the cross draped in purple cloth at Brother Rice “Catholic” High School during lent in 1998; yet a few blocks away at the once “United Church” High School, Bishops College, the Easter season was marked only by the school closure called for by the School Board. Will this change as the years pass? This researcher does not believe that this is the last that will be heard on this issue. One real possibility is that an effort to establish *private* religious schools will likely open a debate on whether such schools should be funded in any way with public funds. One might have to stay tuned.

## NOTES

### Chapter 6

1. under section 6.4 (1) of the Schools (Amendment) Act and Education (Amendment) Act Chapter 13 the Denominational Committee was officially formed. Its formation formally ended the Catholic Education Council and changed the responsibilities of the director of the new Catholic Education Committee. Government of Newfoundland, An Act to Amend the Schools Act and the Education Act, assented to 26 July 1996.
2. Our Children, Our Future, 57.
3. "Chronology of an Impasse," Fax Newsletter for the School District Steering Committee, 28 October, 1994, 3.
4. Gerald Fallon, interview by author, 28 March 1995.
5. Frederick Wirt & Michael Kirst, Schools in Conflict, (Berkely: McCutchan Publishing Company, 1982), 377.
6. Fallon, March 1995.
7. Clyde Wells, unpublished letter to the heads of the Denominational School Councils and church leaders, Chronology of major events regarding educational reform (St. John's, Newfoundland, 1 June 1995).
8. Government of Newfoundland and Labrador, Week in Review (St' John's: Newfoundland Information Services), 1- 7 Jan., 1996.
9. However; according to Fallon conversion did take place on a couple of contentious issues. School boards were reduced to 10 for the province and board composition would stand at ten members elected by denomination and five at large. Fallon, March 1995.
10. Week in Review, 1-7 Jan. 1996.
11. Deanna Stokes Sullivan, "Judge Halts School Reform", Evening Telegram, 9 July, 1997, 1.
12. Deanna Stokes Sullivan. "We'll vote again: Referendum II," Evening Telegram, 30 July, 1997,1.
13. The Standing Senate Committee on Legal and Constitutional Affairs. The Honourable Sharon Carstairs - Chair. "Amendment to the Constitution of Canada Term 17 of the Terms of Union of Newfoundland with Canada". July 17, 1996, 7.



14. The Senate Committee, 7.
15. The Senate Committee, 3.
16. Government of Newfoundland, "New Cabinet sworn in," Week in Review, (St. John's: Newfoundland Information Services), 14 March 1996 [ data base on line] [cited 11 April, 1999]; available from the World Wide Web@[gov.nf.ca/releases/1996/exec/0314n02.htm](http://gov.nf.ca/releases/1996/exec/0314n02.htm)
17. The Senate Committee, 5.
18. The Senate Committee, 4.
19. Government of Newfoundland, "Chronology of Events of the Referendum," Events, (St. John's: Information Services), 19 Dec. 1996 [data base on line] [cited 26 Aug. 1997], available on the World Wide Web@[gov.nf.ca/referend/events.htm](http://gov.nf.ca/referend/events.htm)
20. Steve Wolinetz, "Schools Mess: Getting there and out again," Evening Telegram. 12 July 1997, 11.
21. Steven Wolinetz, 11.
22. Deanna Stokes Sullivan, "Judge Halts School Reform," Evening Telegram, 9 July, 1997, 1.
23. "Referendum Question," Evening Telegram, 26 August 1997, 9. See Appendix H for the full text of the Referendum of September 2, 1997.
24. Dale Mann, Policy Decision-making in Education (New York: Teachers College Press), 77.
25. "Hot Seat". Cable 9 Television, August 1995, sponsored by the Coaker Institute for Public Policy and the Political Science Department of Memorial University.
26. Doug Letto, interview by author, 31 March 1995. Letto was the House of Assembly reporter for CBC evening Television News during the schooling issue.
27. Mann, 77
28. Mann, 77.
29. Clyde Wells, interviewed by author, 19 August 1997.

30. Louise Slobodian, "Education reform looks sure but it's not over yet," Catholic New Times, 8 September, 1996, 13.
31. Deanna Stokes Sullivan. "Reform fizzles on Open Line," The Evening Telegram, July 31, 1995, 1.
32. Bonnie Belec. "Government should simplify referendum question: Carter". Northern Pen, August 18, 1995. 2.
33. John Tompkins, "Voter interest appears low," The Evening Telegram, 13 August, 1995, 3.
34. Mark Graesser, "What referendum voters said," The Evening Telegram, 26 May, 1996, 11.
35. Graesser, 11.
36. Warren, 1996.
37. Wells, 1997.
38. Craig Jackson, "Verge voting 'No' in plebiscite," The Evening Telegram, 23 August 1995, 4.
39. Warren, 1996.
40. Dr. Graesser is a Professor of Political Science at Memorial University of Newfoundland who has been following this issue for the last two decades.
41. "It's Over", The Express, 8 September, 1998, 6.
42. Gary Hebbard, "Interest High in School Board Vote," Evening Telegram, 18 February 1998, 4.

## **BIBLIOGRAPHY**

### **A. Books**

- Dahl, Robert. A. Modern Political Analysis. New Jersey: Prentice-Hall, Inc., 1976.
- Harris, Michael. Unholy Order: tragedy at Mount Cashel. Toronto: Penguin Books, 1991.
- Mann, D. Policy Decision - Making in Education. New York: Teachers College Press, 1975.
- McGrath, G. D., Jelinek, James J. and Wochner, Raymond E. Educational Research Methods. New York: The Ronald Press Company, 1963.
- Miller, J. D. The Nature of Politics. Harmondsworth: Penguin Books, Ltd, 1962.
- Merriam, Sharan. B. Case Study research in Education. San Francisco: Jossey-Bass Publishers, 1988.
- Rowe, Fred. Education and Culture in Newfoundland. Toronto: McGraw-Hill Ryerson Ltd., 1976.
- Rowe, Fred. A. History of Newfoundland and Labrador. Toronto: McGraw-Hill Ryerson Limited, 1980.
- Rowe, Fred. A. History of Education in Newfoundland. Toronto: Ryerson, 1952.
- Simeon, Richard. Federal Provincial Diplomacy: The Making of Recent Policy in Canada. Toronto: The University of Toronto Press, 1972.
- Truman, David. B. The Governmental Process. New York: Alfred A. Knopf, 1971.
- Vatican Council II. Declaration on Religious Freedom. In Abbott, W. (1966) Documents of Vatican II. New York: Guild Press, 1966. 639-644.
- Wirt, Frederick M. and Kirst, Michael W. Schools in Conflict. Berkeley: McCutchan Publishing Corporation, 1982.

### **B. Public Documents**

- Canada. Department of Justice. The Constitution Acts, 1867- 1982. Consolidated as of October 1, 1989.

- Catholic Education Council, Pentecostal Council, Roman Catholic Bishops of Newfoundland, the Executive of Pentecostal Assemblies of Newfoundland. "Regarding Term 17 of the Terms of Union with Canada Respecting Denominational Education Rights." Brief to the Prime Minister of Canada and Members of Parliament. St John's: Newfoundland, 30 Jan. 1996.
- Committee on Principles. Coterminous and Cooperative School Districts Model and a Provincial Structure. Report. St. John's: Newfoundland. 22 Nov. 1993.
- Government of Newfoundland and Labrador. Adjusting the Course: restructuring the school system for educational excellence. Report. 25 Nov. 1993.
- Government of Newfoundland. Adjusting the Course Part II: Improving the Conditions for Learning. Report. Feb. 1994.
- Government of Newfoundland. Department of Education. An Act to Amend the Schools Act and the Education Act. Chapter 13, assented to 26 July 1996.
- Government of Newfoundland and Labrador. Our Children. Our Future. The Royal Commission of Inquiry into the Delivery of Programs and Services in Primary, Elementary, Secondary Education. St. John's: Newfoundland, 1992.
- Government of Newfoundland. Department of Education. The Department of Education Act. St. John's: Newfoundland, 1990. Section 15-19.
- Government of Newfoundland. Week in Review. St. John's: Information Services, 12 March, 1993.
- Government of Newfoundland. Week in Review. St. John's: Information Services, 21 - 30 July 1995.
- Government of Newfoundland. Week in Review. St. John's: Information Services, 1-7 Jan. 1996.
- Government of Newfoundland. Week in Review. St. John's: Information Services, 2-8 Dec. 1996.
- Government of Newfoundland. Week in Review. St. John's: Information Services, 25 - 31 July, 1997.
- Integration Education Council, the Catholic Education Council, the Pentecostal Education Council, the Seventh Day Adventist Church in Newfoundland. "Regarding Term 17 of the Terms of Union of Newfoundland with Canada

Respecting Denominational Rights." A Brief. 23 Jan. 1995.

Ottawa Senate. Standing Senate Committee on Legal and Constitutional Affairs. Amendment to the Constitution of Canada Term 17 of the Terms of Union of Newfoundland with Canada. Report. 17 July, 1996.

Policies and Procedures Manual of the Catholic Education Council. St. John's: Newfoundland. Oct. 1987.

Province of Newfoundland. Preliminary Report(Hansard). Forty First Assembly of Newfoundland. Vol XLI, 5th session, no. 6. St. John's: Newfoundland. 12 March 1993.

### C. Newspapers

"A choice for Newfoundland." Editorial. The Globe and Mail, 7 Sept. 1995, A16.

Belec, Bonnie. "Government should simplify referendum question." Northern Pen, 18 Aug. 1995, 3.

Belbin, Roy. Letter. Evening Telegram, 3 Dec. 1993, 5.

Bennett, Joe. Letter. Evening Telegram, 4 Jan. 1994, 5.

Bickford, Paul. Letter. Express, 30 Aug. 1995, 4-5.

Bowring, Derrick. Letter. Evening Telegram, 27 Feb. 1994, 5.

Brazil, W.F. Letter. Evening Telegram. 3 Sept. 1995, 5.

Breen, Kevin. Letter. Evening Telegram, 16 Feb. 1994, 5.

Brown, Anne & Harry. Letter. Evening Telegram, 25 Jan. 1994, 5.

Callahan, Bill. "Restructuring, a grab for power." Evening Telegram, 7 Dec. 1993, 4.

Callahan, Bill. "Has Clyde Wells sabotaged school reform talks?" Evening Telegram, 29, Dec. 1993, 4.

Callahan, Bill. "Most school reform possible without affecting church rights." Evening Telegram, 16 March 1994, 4.

"Chronology of an Impasse." Fax Newsletter. 28 Oct. 1994, 3.

Cox, Kevin. "Will limit church's role in schools, Wells said." The Globe and Mail, 8 Sept. 1995, A2.

Duff, David. Letter. Evening Telegram, 1 Feb. 1994, 5.

Fenwick, Peter. "Clyde Wells' brave new Newfoundland." Evening Telegram, 12 Dec. 1993, 5.

Fenwick, Peter. "Wells and the Newfoundland reformation." Evening Telegram, 19 Dec. 1993, 5.

Fenwick, Peter. "Education reform debate rages on." Evening Telegram, 2 Jan. 1994, 5.

Fenwick, Peter. "Exactly what is denominational education?" Evening Telegram, 23 Jan. 1994, 5.

Graesser, Mark. "What referendum voters said." Evening Telegram, 26 May 1996, 11.

Gregory, Joseph. Letter. Evening Telegram, 28 Jan. 1994, 5.

Guy, Ray. "Divine Conversation." Evening Telegram, 3 Sept. 1995, 3.

Heath, Philip. Letter. Evening Telegram, 6 Jan. 1994, 5.

Hebbard, Gary. "Interest high in school board vote." Evening Telegram, 18 Feb. 1998, 4.

Herriott, John. Letter. Evening Telegram, 7 Dec. 1993, 5.

"House of Assembly Passes Education Reform Bill: Churches losing governing role in schools." Northern Pen, 14 Nov. 1995, 9.

"It's Over." Express, 2 Sept. 1998, 6.

Jameson, Bill. Letter. Evening Telegram, 30 Jan. 1994, 5.

Jackson, Craig. "Verge voting 'No' in plebiscite." Evening Telegram, 23 Aug. 1995, 3.

Jackson, Craig. "Tobin comes to terms with wording." Evening Telegram, 21 Aug. 1997, 1.

Laws, G. Letter. Express, 26 Jan. 1994, A6.

"Liberal MHA's Differ with Premier Wells on Educational Change." Fax Newsletter, 7 Oct. 1994, 1.

Maher, Ronald. Letter. Evening Telegram, 11 Jan. 1994, 5.

Mahoney, Jim. Letter. Evening Telegram, 31 Dec. 1993, 5.

Martin, Cabot. "The school system is rotten to the core," Evening Telegram, 16 Jan. 1994, 5.

McKenna, J. Kevin. Letter. Evening Telegram, 6 Jan. 1994, 5.

Mercer, Mary M. Letter. Evening Telegram, 13 Dec. 1993, 5.

Murphy, Algie. Letter. Evening Telegram, 7 Jan. 1994, 5.

Murphy, John. "Young people state case before panel." Evening Telegram, 10 July 1996, 2.

Muzychka, Martha. "One step forward two steps back." Evening Telegram, 7 Sept. 1996, 19.

Neville, John. Letter. Evening Telegram, 9 Dec. 1993, 5.

"No faith in segregation." Editorial. Express, 15 Dec. 1993, A8.

O'Flaherty, Patrick. "Being turned into a goat is no joke!" Evening Telegram, 3 Sept. 1995, 4.

O'Neil, S.M. Letter. Evening Telegram, 7 Feb. 1994, 5.

Rice, Ruth. Letter. Evening Telegram, 13 Feb. 1994, 5.

Rogers, T.C. Letter. Evening Telegram, 12 Dec. 1993, 5.

Ronayne-White, Mary. Letter. Evening Telegram, 5 Jan. 1994, 5.

Ryan, Beth. Letter. Express, 12 Jan. 1994, A9

Slobodian, Louise. "Education reform looks sure but it's not over yet," Catholic New Times, 8 Sept. 1996, 4.

Smith, Ed. "Heathens no match on the Second Coming." Evening Telegram, 8 Jan. 1994,

18.

Smith, Jennifer. "Educational Plebiscite is a go." Evening Telegram, 24 June 1995, 1.

Sparkes, Stanley. Letter. Evening Telegram, 20 Feb. 1993, 5.

Stamp, Rev. Douglas P. Letter. Evening Telegram, 12 Dec. 1993, 5.

Shaw, Geoffery. Letter. Evening Telegram, 1 Feb. 1994, 5.

Sheppard, Robert. "Trying to rein in school boards." The Globe and Mail, 25 Jan. 1994, A21.

Sheppard, Robert. "Get on with it, Clyde," The Globe and Mail, 7 Sept. 1995, A17.

Sullivan, Deanna Stokes. "Talks down for the count." Evening Telegram, 2 June 1995, 1.

Sullivan, Deanna Stokes. "Reform fizzles on Open Line." Evening Telegram, 31, July 1995, 1.

Sullivan, Deanna Stokes. "MHAs pass school reform." Evening Telegram, 1 Nov. 1995, 1.

Sullivan, Deanna Stokes. "Tobin named leader." Evening Telegram, 25 Feb. 1996, 1.

Sullivan, Deanna Stokes. "Judge halts school reform." Evening Telegram, 9 July 1997, 1.

Sullivan, Deanna Stokes. "We'll vote again: Referendum II." Evening Telegram, 20 July 1997, 1.

Tompkins, John. "Voter interest appears low." Evening Telegram, 13, Aug. 1995, 1.

Vink, Jerry. Letter. Express, 12 Jan. 1994, 7.

Walsh, P. Letter. Evening Telegram, 25 Jan. 1994, 5.

"We take a stand," Fax Newsletter, 30 Sept. 1994, 1.

"We're voting 'yes'." Editorial. The Evening Telegram, 2 Sept. 1995, 4.

Westcott, Craig. "Knights to fight for RC education." Evening Telegram, 11 Sept. 1993, 1.



#### D. Interviews

Crocker, Robert. Interviewed by author. 27 Mar. 1995.

Fallon, Gerald. Interviewed by author. 20 May 1994.

Fallon, Gerald. Interviewed by author. 28 Mar. 1995.

Goulding, Sandy. Interviewed by author. 30 Mar. 1995.

Letto, Douglas. Interviewed by author. 31 Mar. 1995.

Sutherland, Peter. Interviewed by author. 29 Mar. 1995.

Warren, Philip. Interviewed by author. 3 July 1996.

Wells, Clyde. Interviewed by author. 19 Aug. 1997.

#### E. Correspondence

Macdonald, James H. Letter to Premier Clyde Wells. 10 May 1994.

Warren, Phil. Letter to Premier Wells. 10 May 1994.

Warren, Phil. & Browne, Dennis. Letter to Premier Wells. 1 November 1994.

Wells, Clyde. Letter to the Leaders of the denominations. 31 May 1995.

Wells, Clyde. Letter to the Leaders of the denominations, Chronology of major events regarding educational reform. 1 June 1995.

#### F. Unpublished Sources

Browne, L.A. "The role of the church in determining educational policy in Newfoundland." B.A. Honours diss., Memorial University of Newfoundland, 1984.

Catholic Education Council. "Adjusting the Course" - Government's Proposal. A document outlining three arguments against government's proposal. St. John's,

Newfoundland. Dec. 1993.

Catholic Education Council. Catholic Schools: Our Commitment, Our Heritage, Our Right. Pamphlet. St. John's, Newfoundland. circa 1987.

Fallon, Gerald. "MHA Fast Fax." a collection, Catholic Education Council. St John's, Newfoundland, 12 Dec. 1994.

Graesser, Mark. Educational Reform in Newfoundland, 1990-1995 The Impact of Constitutional Restraints and the Referendum Politics. Paper presented at the Annual Meeting of the Canadian Political Science Association. St. John's, Newfoundland. 10 June 1997.

Harte, Austin. "The Joint Service School: a Study in Interdenominational Cooperation in the Educational System in Newfoundland and Labrador." Ph.D.diss., University of Toronto, 1989.

Long, J. "The transferability issue in Alberta: a case study in the politics of higher education." Ph.D. diss., University. of Alberta, 1979.

MacDonald, James A. Archbishop. Statement at a news conference, 12 Sept. 1994.

Magsino, Romulo F. "The Public Opinion Survey for the Royal Commission on Education Report: a Critique". Paper. Department of Educational Administration and Foundations, University of Manitoba. 1992.

Tresland, D. P., Warren P., & Tracey, K. Educational District Boundaries: A Framework for the Future. Study. of Roman Catholic district boundaries. Catholic Education Council, Boundaries Committee. 1988.

#### G. Journals

Berry, G. R. "The oil lobby and the energy crisis." Canadian Public Administration. 17, no. 4. (Winter 4): 604.

Ponder, Art. "Denominational education at any cost." The Morning Watch. vol.14, nos 3-4, (winter 1987): 21.

#### H. Non - Print media

"Church vs State: A debate on educational reform". Hot Seat. Cable 9 Television, St. John's, NF., Aug. 1995.

Government of Newfoundland. Minister's Office. "Chronology of Events." Events. [data base on line] [cited 26 Aug. 1997] available on the World Wide Web @ [gov.nf.ca/referend/events.htm](http://gov.nf.ca/referend/events.htm)

Government of Newfoundland. Department of Education. Statistics on Newfoundland School enrollment from 1949-1998. [data base online], [cited 2 April 1999] available from the World WideWeb@[edu.gov.nf.ca/ststs9798/tab2.htm](http://edu.gov.nf.ca/ststs9798/tab2.htm) [2 pages]

Government of Newfoundland. "New Cabinet sworn in." Week in Review. St. John's, Newfoundland Information Services, 14 March 1996 [ data base on line] [cited 11 April, 1999]; available from the World Wide Web@[gov.nf.ca/releases/1996/exec/0314n02.htm](http://gov.nf.ca/releases/1996/exec/0314n02.htm) [16 pages]

## **APPENDICES**

## **APPENDIX A**

### **TERMS OF UNION OF NEWFOUNDLAND WITH CANADA**

Source: Canada. Department of Justice. The Constitution Acts, 1867 to 1982.  
Consolidated as of October 1, 1989.

**Terms of Union**  
**Term 17**

17.(1) In lieu of section ninety three of the *Constitution Act, 1867*, the following term shall apply in respect of the Province of Newfoundland:

In and for the Province of Newfoundland the Legislature shall have the exclusive authority to make laws in relation to education, but the Legislature will not have the authority to make laws prejudicially affecting any right or privilege with respect to denominational schools, common (amalgamated) schools, or denominational colleges, that any class or classes of persons have by law in Newfoundland at the date of union, and out of public funds of the province of Newfoundland provide for education,

a) all such schools shall receive their share of such funds in accordance with scales determine on a non-discriminatory basis from time to time by the Legislature for all schools then being conducted under authority of the Legislature; and

b) all such colleges shall receive their share of any grant from time to time voted for all colleges then being conducted under authority of the Legislature, such grant being distributed on a non-discriminatory basis.

(2) For the purposes of the paragraph one of this Term, the Pentecostal Assemblies of Newfoundland have in Newfoundland all the same rights and privileges with respect to denominational schools and denominational colleges as any other class or classes of persons had by law in Newfoundland at the date of Union, and the words "all such schools" in paragraph (a) of paragraph one of this Term and the words "all such colleges" in paragraph (b) of paragraph on of this Term include, respectively, the schools and the colleges of the Pentecostal Assemblies of Newfoundland.

## **APPENDIX B**

### **LIST OF RECOMMENDATIONS PERTAINING TO DENOMINATIONAL SCHOOLS**

Source: Government of Newfoundland and Labrador. Our Children. Our Future: Royal Commission of Inquiry into the Delivery of Programs and Services in Primary, Elementary, Secondary Education (St. John's: Government of Newfoundland and Labrador, (1992).

## **List of Recommendations Pertaining to Denominational Schools**

1 that, recognizing the reality of a pluralistic democracy, Declining enrolments and diminishing resources, the proposed model which is responsive to the needs of all constituent groups, yet recognizes the desire of the majority to retain a school system based on Judeo - Christian principles, be adopted and implemented.

2 that, where numbers warrant, children be provided with the opportunities for religious activities and instruction in their own faith, and that the school system be sensitive and responsive to children of all religious groups.

4 that, where space allows, school admission policies be based on the following priorities: First, children already enrolled in school and their siblings, Second, children who live near a school entering the school system for the first time, Third, children who live near a school but are enrolled elsewhere, Fourth, children from outside the local area.

8 that the school consolidation be considered on the following grounds:

1. schools which are not viable and are within reasonable distance of another school, be targeted for consolidation, and
2. schools which are not viable and are not within a reasonable distance of another school, be mandated a basic foundation program.

9 that viability be considered in relation to:

1. the enrolment, location and quality of school facilities,
2. the scope of the program offered,
3. the availability of resources within the school,
4. the types of services available within the area, and
5. the attainment of provincially-developed standards of achievement.

10 that the school boards define and communicate the conditions and establish the process under which school consolidation will take place.

12 the following guidelines apply to all schools:

1. where numbers warrant, appropriate religious education programs be offered as part of the curriculum, and
2. where numbers do not warrant, and where students of other religious groups are enrolled, opportunities be provided for approved representatives to have appropriate access to students of their faith to have their religious education needs addressed.

13 that, for all new schools the following guidelines shall apply:

1. that they be schools which can serve the needs of all students in a neighbourhood or



area.

2. that comprehensive, long-term planning, on the part of the school board and involving the community, be completed, and

3. that the educational, cultural and recreational needs of the surrounding communities and/or neighbourhoods be considered.

23 that the primary role of the church in school life should continue to be the development and provision of religious education programs and additionally providing pastoral care to the students.

24 that pastoral care ministries be established with the following mandate:

1. to foster the spiritual growth of students;
2. to assist with the spiritual activities in schools;
3. to provide skilled pastoral councillors in the areas of individual, group and family therapy; crisis intervention; and grief and bereavement assistance; and
4. to provide ethical consultation.

25 that the need to strengthen the role of the church in education through pastoral care ministries be recognized and that the school boards co-operate with the churches in developing appropriate pastoral care models for implementation.

26 that all existing school boards be dissolved and that new school boards be established.

27 that all school board members be elected to office and that every adult, eligible under the **Elections Act**, be eligible to stand for the election to school board office.

28 that the following new school boards be created:

1. Avalon East
2. Avalon West
3. Burin Peninsula
4. Gander-Bonavista
5. Exploits-Green Bay-Bay d'Espoir
6. Corner Brook-Deer Lake
7. Stephenville-Port aux Basques
8. Northern Peninsula-Southern Labrador
9. Labrador

29 that the school boards be reduced in a manner which allows both flexibility and discretion in employing and deploying personnel at the school board level.

36 that the existing Denominational Educational Councils be dissolved and that the present Denominational Policy Commission be responsible for (1) advising government

on educational policy which effects the rights of denominations; (2) overseeing the development of Religious Education and Family Life programs; (3) facilitating pastoral care; (4) advising School Councils on educational policy which affect the rights of denominations.

37 that the Department of Education resource the development of religious education programs.

38 that full responsibility for the certification of teachers be placed with in the Teachers' Certification Committee and that the relevant section of the Education (Teacher Training) Act be revised accordingly.

40 that a provincial School Planning and Construction Board, fully responsible for the allocation of funds for new school construction and the maintenance and renovation of existing schools, be legislated.

41 That the School Planning and Construction Board, have specific responsibilities for (1) instituting a long-term school construction and maintenance plan for the province, (2) advising appropriate levels of provincial funding, (3) establishing guidelines and standards for the construction of schools, (4) identifying provincial needs and priorities, (5) allocating funds for the construction and maintenance of schools, and (6) establishing linkages with other government departments and agencies to facilitate the planning of school/community facilities.

42 that all capital funds be allocated on the bases of provincial-wide priorities.

43 that the principle of allocating funds based on a multi-year capital plan be continued.

44 that a program to respond to the ongoing capital and up-grading needs of the province be developed and implemented.

45 that a special program to respond to the equipment needs of schools be developed.

46 that appointments to the School Planning and Construction Board be made by the Denominational Policy Commission.

49 that, in order to achieve a high level of autonomy and flexibility, school boards determine who should be employed, for what purposes, and for what periods of time for all personnel at the school board level.

**APPENDIX C**  
**INTERVIEW SCHEDULE**

## **Interview Schedule**

- 1) You have been identified as one who was/is involved in, or is familiar with, the Catholic Education Council's position on the Government's proposed changes to denominational education in Newfoundland. When and how did you become involved/interested in this issue?
- 2) What do you think the proposed changes are all about, or has been about essentially? Please indicate the time, circumstances or events of which you speak.
- 3) With respect to the CEC what do you understand as their main concerns and objectives (interests) regarding this issue? Did these change over time?
- 4) How did the CEC seek recognition of their concerns and the realization of their objectives? What strategies or tactics were employed?
- 5) Are you aware of any meetings or other significant events that occurred which may have influence the government to rethink their position on denominational education?
- 6) Are you aware of any documents related to the concerns and objectives of this organization? Where may I obtain them?
- 7) Are there any documents related to the proposed changes to denominational education, in general, which you would recommend to me? Where might I obtain these documents?
- 8) Would you say that this issue has been resolved? Why would you say this?
- 9) Are you aware of any particular developments or circumstances that may have influenced either the outcomes of the controversy or the objectives of any group, agency or association? Please elaborate.
- 10) In your opinion, what role was/is being played by the minister of Education in caucus, in the house, and in the cabinet?
- 11) In your opinion, what role was played by other Cabinet Ministers?
- 12) To what extent, if any, has the position of various non-governmental individuals and groups evolved over the past three years? (Including those groups opposed to publicly funded denominational education and those in favour of it.)
- 13) Are you aware of the involvement of any individuals whom you would consider

especially influential in the controversy? Who are they and how were they especially influential?

14) Do you take a position on this issue? Have you always held this point of view or not? Why do you take this position?

## **APPENDIX D**

### **MISSION STATEMENT OF THE CEC**

**Source: The Catholic Education Council. A Brief Presented to the Royal Commission of Inquiry into the Delivery of programs and Services in Primary, Elementary, Secondary Education. (St. John's, Newfoundland 30 April, 1991), Appendix A.**

## **Mission Statement of the CEC**

Called to assist in the Church's mission of education, we, the members of the Catholic Education Council, come together to promote the fullest development of our students in the image of Jesus Christ through an education that is open to the whole universe with God as its centre.

The aspirations and rights of our Catholic parents have led to the development of a unique, denominational, education system which is protected in the legislation of our Province and in the Constitution of our country. Recognizing the long-standing partnership between the Christian denominations and the Government of Newfoundland and Labrador and relations with other Governmental Authorities, we facilitate the provision of an education which enables our students to take their place as responsible and informed citizens of our province, our country and our world. Respectful of the prime responsibility of parents to provide for the education of their children and faithful to the Gospel in the traditions of the Roman Catholic Church, we strive to build a vibrant community among home, school and parish.

In keeping with the authentic character of Catholic education, we seek to respond to the changing circumstances of Church and society and of education in particular. In committing ourselves to the preservation and enrichment of Catholic education, we welcome our legislated responsibilities, dedicate our efforts to create improved structures and pledge our willingness to work with other responsible educational agencies in planning for the Future. (Adopted October, 1987)

## **APPENDIX E**

### **REFERENDUM QUESTION, SEPTEMBER 5, 1995**

Source: Government of Newfoundland. Week in Review. St John's: Newfoundland Information Services. 24 - 25 July, 1995, 6&7.



## Referendum Question 1995

### Minister releases information concerning referendum

### EDUCATION and TRAINING

*July 25, 1995—The following information on the September 5 referendum on educational reform was released today by Chris decker, Minister of Education and Training, at a news conference held at Confederation Building:*

#### The Referendum Question

On September 5, 1995, the people of Newfoundland and Labrador will be asked to vote on the following question:

Do you support revising Term 17 in the manner proposed by the government, to enable reform of the denominational education system?

Yes \_\_\_\_\_ No \_\_\_\_\_

#### The Proposed Term 17

The proposed new wording of Term 17 is as follows:

#### Explanatory Notes

*[Provides for those denominations holding rights to be involved in all schools for the purposes of religious activities or education.]*

*[Provides for separate schools for a class or the integrated group of classes where numbers warrant.]*

#### Text of Proposed Term 17

In and for the Province of Newfoundland the legislature shall have exclusive authority to make laws in relation to education but,

- (a) Except as provided in paragraphs (b) and (c), schools established, maintained and operated with public funds shall be denominational schools, and any class of persons having rights under this term as of January 1, 1995 shall have the right to provide for religious education, activities observances for the children of that class in such schools, and the group of classes that formed one integrated school system by agreement in 1969 may exercise the same rights under this term as a single class of persons; and
- (b) subject to the provincial legislation that is uniformly applicable to all schools specifying conditions for the establishment or continued operation of schools,
  - (i) any class of persons referred to in paragraph (a)

*[Enables, for example, Francophone, Aboriginal or speciality schools.]*

*Enables continued church involvement in the governance of separate schools for a class or the integrated group of classes.*

*[Requires non-discriminatory funding of all schools in the publically-funded system.]*

*[Enables election of two-thirds of a school board on the basis of denomination if the denomination wish.]*

shall have the right to have a publically funded denominational school established, maintained and operated especially for that class; and

(ii) the legislature may approve the establishment, maintenance and operation of a publicly funded school, whether denominational or non-denominational; and

(c) where a school is established, maintained and operated in pursuant to paragraph (b) (i) that class shall have the right to provide for religious education, activities and observances and to direct the teaching of aspects of curriculum affecting religious beliefs, student admission policy and the assignment and dismissal of teachers in that school; and

(d) all schools under paragraphs (a) and (b) shall receive their fair share of public funds in accordance with scales determined on a non-discriminatory basis from time to time by the legislature; and

(e) in the class of persons having rights under this term so desire they shall have the right to elect collectively not less than two-thirds of the members of a school board, and any class so desiring shall have the right to elect that portion of two-thirds that is proportionate to the population of that class in the area under the board's jurisdiction.

## **APPENDIX F**

### **SECTION 43 OF THE CONSTITUTION ACT, 1982 PART V, PROCEDURE FOR AMENDING CONSTITUTION OF CANADA**

Source: Canada. Department of Justice. The Constitution Acts, 1867 - 1882.  
Consolidated as of October 1, 1989.

## **Section 43 of the Constitution Act, 1982**

Amendment  
of provisions  
relating to  
some but not  
all provinces

**43. An amendment to the Constitution of Canada in relation to any provision that applies to one or more, but not all, provinces, including**

**(a) any alteration to boundaries between provinces,  
and**

**(b) any amendment to any provision that relates to the use  
of the English or the French language within a  
Province,**

**may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies.**

## **APPENDIX G**

### **REPORT ON THE PLEBISCITE OF SEPTEMBER 5, 1995**

Source: Province of Newfoundland and Labrador. The Newfoundland Gazette, Vol 70, No. 42. Issued in St. John's on Friday, October 20 1995, 379-380.



# THE NEWFOUNDLAND GAZETTE

## PART II

### SUBORDINATE LEGISLATION FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

Vol. 70

ST. JOHN'S, FRIDAY, OCTOBER 20, 1995

No. 42

#### NEWFOUNDLAND REGULATION 133 / 95

Report on Plebiscite of September 5, 1995  
under the  
*Election Act*

(Filed October 17, 1995)

#### REPORT ON PLEBISCITE OF SEPTEMBER 5, 1995

Under the authority of section 82(3) of the *Election Act*, chapter E-3 of the Revised Statutes of Newfoundland, 1990, the following voting information is presented for each Electoral District in relation to the September 5, 1995 Plebiscite.

| District                             | Voters List | Yes Ballots<br>Counted | No Ballots<br>Counted | Rejected<br>Ballots | Total Ballots<br>Counted |
|--------------------------------------|-------------|------------------------|-----------------------|---------------------|--------------------------|
| 1. Baie Verte-White Bay              | 5,979       | 993                    | 2,202                 | 10                  | 3,205                    |
| 2. Bay of Islands                    | 7,917       | 2,138                  | 1,322                 | 6                   | 3,466                    |
| 3. Bellevue                          | 8,614       | 3,063                  | 1,513                 | 8                   | 4,584                    |
| 4. Bonavista North                   | 7,297       | 1,788                  | 625                   | 5                   | 2,418                    |
| 5. Bonavista South                   | 6,278       | 1,125                  | 1,512                 | 4                   | 2,641                    |
| 6. Burgeo-Bay D'Espoir               | 5,566       | 1,263                  | 570                   | 3                   | 1,836                    |
| 7. Burin-Placentia West              | 9,644       | 2,313                  | 2,541                 | 4                   | 4,758                    |
| 8. Carbonear                         | 8,189       | 2,293                  | 1,984                 | 11                  | 4,288                    |
| 9. Conception Bay South              | 8,447       | 3,033                  | 1,450                 | 5                   | 4,488                    |
| 10. Eagle River                      | 3,396       | 628                    | 654                   | 3                   | 1,285                    |
| 11. Exploits                         | 8,269       | 1,929                  | 2,752                 | 13                  | 4,694                    |
| 12. Ferryland                        | 5,620       | 1,253                  | 2,040                 | 7                   | 3,300                    |
| 13. Fogo                             | 7,262       | 1,456                  | 1,226                 | 3                   | 2,685                    |
| 14. Fortune-Hermitage                | 6,408       | 1,048                  | 858                   | 4                   | 1,910                    |
| 15. Gander                           | 8,240       | 3,180                  | 1,365                 | 3                   | 4,548                    |
| 16. Grand Bank<br>(Judicial Recount) | 7,705       | 1,448                  | 1,614                 | 9                   | 3,071                    |

THE NEWFOUNDLAND GAZETTE  
October 20, 1995

| District                   | Voters List    | Yes Ballots<br>Counted | No Ballots<br>Counted | Rejected<br>Ballots | Total Ballots<br>Counted |
|----------------------------|----------------|------------------------|-----------------------|---------------------|--------------------------|
| 17. Grand Falls            | 6,230          | 2,182                  | 1,886                 | 5                   | 4,073                    |
| 18. Green Bay              | 7,425          | 1,498                  | 2,548                 | 10                  | 4,056                    |
| 19. Harbour Grace          | 6,973          | 2,008                  | 1,175                 | 7                   | 3,190                    |
| 20. Harbour Main           | 9,455          | 2,146                  | 2,785                 | 16                  | 4,947                    |
| 21. Humber East            | 8,509          | 3,689                  | 1,814                 | 7                   | 5,510                    |
| 22. Humber Valley          | 6,646          | 1,979                  | 1,573                 | 25                  | 3,577                    |
| 23. Humber West            | 7,848          | 2,725                  | 1,615                 | 1                   | 4,341                    |
| 24. Kilbride               | 10,270         | 3,096                  | 2,894                 | 12                  | 6,002                    |
| 25. LaPoile                | 7,190          | 1,494                  | 456                   | 1                   | 1,951                    |
| 26. Lewisporte             | 8,769          | 2,769                  | 2,803                 | 15                  | 5,587                    |
| 27. Menibek                | 6,804          | 2,188                  | 1,303                 | 2                   | 3,493                    |
| 28. Mount Pearl            | 12,513         | 5,229                  | 2,699                 | 7                   | 7,935                    |
| 29. Mount Scio-Bell Island | 10,589         | 3,536                  | 2,428                 | 17                  | 5,981                    |
| 30. Naskaupi               | 6,009          | 1,412                  | 978                   | 3                   | 2,393                    |
| 31. Placentia              | 5,277          | 856                    | 2,110                 | 12                  | 2,978                    |
| 32. Pleasantville          | 9,842          | 4,009                  | 2,072                 | 17                  | 6,098                    |
| 33. Port au Port           | 5,474          | 905                    | 1,920                 | 11                  | 2,836                    |
| 34. Port de Grave          | 8,771          | 2,442                  | 2,170                 | 13                  | 4,625                    |
| 35. St. Barbe              | 8,801          | 2,207                  | 1,239                 | 5                   | 3,451                    |
| 36. St. George's           | 6,189          | 1,212                  | 1,745                 | 5                   | 2,962                    |
| 37. St. John's Centre      | 7,772          | 3,001                  | 2,270                 | 23                  | 5,294                    |
| 38. St. John's East        | 6,025          | 2,487                  | 1,808                 | 5                   | 4,100                    |
| 39. St. John's East Extern | 10,806         | 4,018                  | 3,222                 | 13                  | 7,253                    |
| 40. St. John's North       | 5,829          | 2,463                  | 1,786                 | 7                   | 4,256                    |
| 41. St. John's South       | 6,110          | 1,872                  | 1,697                 | 3                   | 3,572                    |
| 42. St. John's West        | 8,110          | 2,477                  | 2,187                 | 16                  | 4,680                    |
| 43. St. Mary's-The Capes   | 4,992          | 541                    | 2,243                 | 6                   | 2,790                    |
| 44. Stephenville           | 5,359          | 1,411                  | 1,659                 | 13                  | 3,083                    |
| 45. Strait of Belle Isle   | 8,211          | 1,986                  | 1,834                 | 15                  | 3,835                    |
| 46. Terra Nova             | 6,904          | 1,914                  | 1,059                 | 5                   | 2,978                    |
| 47. Torngat Mountains      | 1,233          | 296                    | 230                   | 0                   | 526                      |
| 48. Trinity-Bay de Verde   | 6,378          | 2,020                  | 983                   | 9                   | 3,012                    |
| 49. Trinity North          | 8,521          | 2,637                  | 1,218                 | 4                   | 3,859                    |
| 50. Twillingate            | 6,042          | 1,301                  | 1,744                 | 4                   | 3,049                    |
| 51. Waterford-Kenmount     | 12,389         | 4,720                  | 2,536                 | 8                   | 7,264                    |
| 52. Windsor-Buchans        | 5,638          | 1,037                  | 1,956                 | 3                   | 2,996                    |
| <b>TOTALS</b>              | <b>384,734</b> | <b>110,614</b>         | <b>90,673</b>         | <b>423</b>          | <b>201,710</b>           |

D. WAYNE MITCHELL  
Chief Electoral Officer

## APPENDIX H

### REFERENDUM QUESTION, SEPTEMBER 2, 1997

Source: Government of Newfoundland and Labrador. Week in Review. St. John's: Newfoundland Information Services. 25 - 31 August 1997. 1 & 2



## **Referendum Question 1997**

### **Premier releases text of new Term 17**

#### **EXECUTIVE COUNCIL**

August 25, 1997-Premier Brian Tobin today unveiled the wording of the new Term 17 which will lead to a single school system for the children of Newfoundland and Labrador.

The Question Newfoundland and Labradorians will be asked on September 2 is as follows:

**“Do you support a single school system where all children, regardless of their religious affiliation, attend the same Schools where opportunities for religious education and observances are provided?”**

Government has stated clearly that the proposed new Term 17 would clearly reflect and conform with the position presented in the referendum question. The following is the text of the new Term 17:

**17.(1) In lieu of section ninety-three of the Constitution Act, 1867, this section shall apply in respect of the Province of Newfoundland.**

**(2) In and for the Province of Newfoundland, the Legislature shall have the exclusive authority to make laws in relation to education, but shall provide for courses in religion that are not specific to any religious denomination.**

**(3) Religious observances shall be permitted in a school where requested by parents.**