

The Gibson Mission

As I mentioned in the previous article, the Campbell Liberal government retained Mr. Gordon Gibson as a consultant on the implementation of their New Era Commitment to reform the electoral system of British Columbia. Gibson received his commission on September 20, 2002 and he submitted his 35-page Report on the Constitution of the Citizens' Assembly on Electoral Reform by Christmas of that year.

Gibson accomplished his mission and then some. He laboured hard and did the best he could for the people of British Columbia, that much is certain. But he went overboard, quite a bit it seems to me, to tell the Citizens Assembly, what to do, while his mission was to design the vehicle the CA was to ride to its destination. Gibson's paramutations made things bad for the people and good for the politicians. I indicated the pertinent part of the mandate given Gibson in the previous article. The whole text of the mandate is available from the office of the B.C. Attorney General, as well as from the CA website www.citizensassembly.bc.ca.

Admittedly, the instructions given Gibson, are a tad obfuscated. The cause is the use of the word "mandate" which, at first glance, may generate the impression that Gibson was mandated to mandate the CA. My thesis is that it was not the case. I will elaborate.

Among other, the Hon. Geoffrey Plant, Attorney General for B.C., instructs Gibson to "Give the citizens assembly a mandate to hold public hearings throughout B.C." and this may have been unfortunate. To begin with, it is superfluous really, because the provision for public hearings it is spelled out in the New Era Commitments. That is to say, the government was already irrevocably committed to mandate the CA to hold public hearings when Plant was addressing Gibson. Elsewhere, Plant clearly instructed Gibson that his mission was to facilitate the implementation of that New Era Commitment.

It could not be otherwise, for it would make no sense for the government to tell their consultant what to recommend to the government. This further manifests to that somehow Plant had used the wrong word, "mandate", in his instructions to Gibson. Another possibility is that Plant wanted to make doubly certain Gibson makes travel allowances for public hearings in his blueprint for the CA. Evidently, Gibson's mission was purely technical, organizational if you prefer.

It was not up to Gibson to decree that the CA, if it recommends changes to the current electoral system, that option will be put to a province-wide referendum. After all, this is, once again, spelled out in the New Era Commitments. Then, when Gibson recommends that the CA product be put to a referendum, he, once again, superfluously echoes the New Era Commitments.

Essentially, the government has appraised Gibson that the purpose of the CA was to implement the relevant New Era Commitments, no more no less. It is stated clearly in Gibson's mandate that the *raison d'être* of the CA is to implement the Electoral Reform Commitment, as stated on Page 30 of the New Era Document, this being plain as a Jane and clear as a bell.

The Campbell government wisely did not attempt to alter the mandate of the CA because there is no reasonable excuse for any alteration to this clause of the electoral contract. True, politicians routinely evade, or alter, electoral promises of a financial nature on the worn out pretext of having found the finances of the government in a worse mess than they were given to believe by their defeated opponents. No such excuse is available in this instance, nothing has intervened between publishing the New Era Commitments and bringing Gibson into the process that would justify deviation from the Commitment to do electoral reform.

Could it then be that the government made the surprise discovery that the Commitment in question was inaccurately worded in their little red book? Could it be that Gibson was hired to tell the Campbell Liberals, authors of the Commitments, what they really meant to say when they said what they did say? It cannot be, for surely the Campbell Liberals and their army of advisors knew what they were doing, we must take it that they meant to say what they say in their red book.

Surmounting everything else is that, in any event, accepting that the Liberals were inept with words does not make it right because after all, the Commitment, precisely as it reads in the New Era Commitments is what voters cast their ballots for. And that is what matters.

Conventionally, politicians "suggest" courses of action in their electoral platforms, but it is the citizens who mandate the politicians. Since an electoral contract is, in spirit, the "marching orders" citizens give the politicians and since voters do not have to justify their vote to anyone, it is the citizens perception of what a clause in the electoral contract means, if a dispute arises.

That the New Era Commitments specify Electoral Reform to be done by the CA, that is to say by the people, as contrasted to it being done by politicians, further obliges the government to leave interpretation of the commitment to the CA. The citizenry, through the CA, will define its wish, it will reaffirm what we voted for in 2001.

Enthusiasm is constructive to tasks being well done, but too much of it, like too much of anything, may lead to temerity. Gibson approached his task more enthusiastically than was necessary, the result being not appreciated, at least by this writer.

With his report, Gibson may have handed the Campbell government a ticket to cosmetic reform. As a result the whole exercise in electoral reform may be derailed, or, to paraphrase a line of Gibson's own, "the wheels of Electoral Reform may fall off". That would be unfortunate, for it would leave British Columbia to ride a wheel-less vehicle into the future - one fears for the long haul ahead.

The reasons I examined in some depth Gibson's authority to tell the CA what to do, is my fear (justified I trust) that the Campbell Liberals may do cosmetic reform and then say to us "Gibson made us do it". Just like the Mike Harcourt NDP government killed the Recall & Initiative (R&I) referendum result on the pretext that the Ujjall Dosanjh committee "made them do it".

Especially worrisome are the consequences incumbent to three of Gibson's Recommendations #2, #31 and #33. I will review them next.

Recommendation #2 reads:

"2. This carries with it an obligation on the Assembly to consider the impact of such change on the total political system of the province, and this should be made clear in the mandate."

This which obliges the CA to the utmost respect for the political system, according to Gibson, is the declaration of the Campbell Liberals, conveyed through their New Era Commitment that, that any change to the electoral system the CA may recommend shall be put before the electorate in a referendum.

Regrettably Gibson gives no reasons whatsoever on how or why the provision of putting the recommendations of the CA to a referendum makes it incumbent upon the CA to ensure that the political system

remains intact. If there is any logic therein it escapes me, for I believe that nothing is more noble than citizens defining the way they are governed. That is what democracy is all about.

What does Recommendation #2 mean; what is its purpose? I do not know and, therefore, I suspect the worst. What "impact" must the CA consider? What is subject to change, what is it likely the CA would want changed that Gibson is attempting to shield from the people? Could it be that the CA must do no harm to the politicians' stranglehold over the governing of the society?

The Hon. Judy LaMarsh, and a fine lady she was, encapsulated it well when she said: "you cannot make love without soiling the bedsheets". Right she was and to the point.

The obvious, that everything the CA comes up with must conform to the Constitution of Canada, is explicitly, also superfluously, stated by Gibson elsewhere, as well as being written in the New Era Commitments, therefore it cannot be it Gibson refers to here. Must we then assume Gibson is merely repetitious and leave it at that? Doing so would be imprudent, discussing it is essential.

The Electoral System is a component, an integral part of the overall political system. The purpose of the CA is to change that component of the political system, to the extent it may be necessary for the system to meet the needs of society. The whole exercise of electoral reform is to enable citizens to select freely and efficiently their representatives at the Legislature. Any change that the CA may put before the citizens cannot but impact the total political system, correspondingly. If the CA does what it is meant to do, and do it reasonably well, it will facilitate the governing of the society by its natural leaders to the exclusion of "elected tyrants" and this would not but impact on the whole political system.

Even if it is merely badly worded and if not otherwise meaningless, Gibson's Recommendation #2, may induce concerns into the minds of the members of the CA. They may labour at their assignment handicapped by concern that anything they may do may impact the Holy Grail political system. They may even be driven to paranoia by the prospect of being labeled "anti-political system", "blasphemous", or something else equally demeaning, if their work as much as touches the political system.

The CA must be spared such a predicament. More than that, the CA members must be made aware that their purpose is the opposite of what Gibson declares it to be, that their mission is to impact the political system, precisely that, they are in it to soil the bedsheets, and what a joy this could be!

Recommendation # 31 reads:

"31. If the Assembly chooses to recommend a new electoral system it must recommend only one such for a straight "Yes" or "No" vote."

I cannot understand what drove Gibson to that. Perhaps it was one of Geoffrey Plant's instructions to Gibson, which states that Gibson's mandate includes:

"Developing guidelines on the wording of questions on an alternative electoral model if so recommended, to assist in the framing of a referendum to be put to the electorate."

But then guidelines on the wording of questions is different from decreeing that only one question, if any, is to be posed to the electorate. Even the government did not dare go as far as to restrict the number of options the citizenry should consider - note that they talk about options, plural that is. Gibson should have taken the hint and restrained his galloping enthusiasm.

Allowing the CA one question only is no good. It is straight-jacketing the CA and this is attempted thoroughly unnecessarily. As I understand it from reading the body of his Report, Gibson justifies this on the grounds that: (a) we missed as we did on R & I because the referendum questions were not properly worded and (b) citizens would be confused if the referendum ballot offers choices. If these are his reasons, I digress.

To begin with, Gibson is mistaken on the R & I case. In reality, the wish of British Columbians for R & I was brutally quashed by the politicians resenting meaningful democratic empowerment of the citizenry. Mr. Ujjal Dosanjh led the assault against the vox populi. He marched with the connivance of politicians of all parties, the Liberals included. Admittedly, the Liberals promised to the electorate that when they ascend to power they will honour the wish of British Columbians for R & I, yet this did not excuse their placidity at the time the Legislature was processing the placebo R & I Act.

Gibson's assertion about the R & I referendum being badly worded is novel and imaginative. Significantly, at the time of the Referendum, the Liberals did not demand the question be re-worded. Later on, the Campbell Liberals who publicly professed to opposing the NDP's placebo R & I bill in the Legislature, did not allow for bad wording of the referendum question, on the contrary, they proceeded on the basis that the will of British Columbians had been clearly voiced. Neither then, nor later, when they authored the New Era Commitments, did the Liberals say that they would hold a new referendum on R & I with a clear question so as to replace the one conducted with what Gibson says were improperly worded questions. Nothing of the sort, Gibson is the first person from whom I heard that the questions of the 1991 Referendum on R & I were inappropriately worded. No, Gibson, Sir, it wasn't because of poor wording of the question in the 1991 referendum that we are saddled with that placebo R & I Act. Read my book Recall & Initiative, you will find it all in there hanging out bare.

Concerning the belief that citizens may not be able to choose among more than one alternative, flies in the face of the fundamental tenet of democracy. Democracy is having choices it is often said and indeed it is. A referendum ballot may easily provide choices, indeed it should provide choices in cases like the one at hand, just like an election ballot does. After all, the referendum in question will not be conducted by men in fancy uniforms wearing hats with scrambled eggs on visors shading their dark sunglasses. Significantly, in all the referenda we have had recently, British Columbia and Canada wide, the citizenry demonstrated wisdom and savvy that surprised politicians who habitually scorn the "ordinary Canadian."

Of paramount importance is the nature of the beast, no offence intended. The CA is a body of 160 individuals. If they are to agree on a single solution, there must be an enormous compromise on what the single solution would be. And this I say without even factoring in possible goading by experts who may play the CA in manufacturing consensus. Straightjacketing the CA into a single solution, into one that would fit a straight "Yes" or "No" vote, should be forthwith rejected. For unless discarded, the "solution" the CA will produce shall of necessity be colourless, odourless and tasteless, like old chemistry teachers were describing the air in the air pre-pollution era.

Recommendation No. 33 reads:

33. The work of the assembly should be limited strictly to that part of the electoral system that provides for the translation of citizen ballots into Legislative seats.

This too, is bad, very bad; it could be the coup de grace on electoral reform. It is like clipping the wings of a bird, like amputating the legs of a horse, like neutering the bull. I will demonstrate in this, as well as in later articles, that mine is not excessive language.

A chain is as strong as its weakest link. The electoral system, itself being a sub-system of the political system is, in turn, also a multifaceted system, it is a compendium of many subsystems. These subsystems combine to regulate entry into the helm of the ship of society. Reforming the overall electoral system requires that all the subsystems be reformed and harmonized with each other, for unless this is done the result may be other than desirable, possibly an undesirable one.

The translation of citizen ballots into Legislative seats is a significant subsystem, but reforming it alone, manipulating it in isolation from the other subsystems, appealing as it may appear at first glance, would not democratize the overall election system. Reforming the ballot counting process but neglecting the other aspects of the electoral system, would leave the gate to the Helm in the control of the establishment, beyond the control of the people, just as it now is. Indeed, any such partial improvement will likely be of small benefit and short-lived, as the establishment will adapt their hold on the other levers of the system to retain through the "reform" their control over who enters the halls of power. Reforming only the ballot counting subsystem is like plugging one hole in a sieve - still it will not hold water.

But there is more to it. If the CA does not rid itself of this straightjacket, it will be Gibson, to a considerable extent, supplanted himself for the CA. It would be he who diagnosed the ills of the system and who prescribed the treatment and the dosage. The CA will only function to decide the flavour of the sugar coating of the pill. Forcing 160 "ordinary" citizens, guided by experts in "facilitation", to converge their minds to a single solution to our electoral system problems and, if this wasn't bad enough, straightjacket them into a single and narrow alley of the web that makes up the electoral system, is too far fetched. Certainly it would make a farce of the "top to bottom reform" the Campbell Liberals are committed to do.

Before leaving Recommendation #33, I would like to recognize that there is a rather widespread misconception about an electoral system being the way ballots translate into seats. This could be because it is one of the most obvious of the several bad aspects of the election system presently in force. And it is because it has been made a decoy to divert peoples' attention from the overall malaise of the electoral system presently imposed upon us.

In making this Recommendation #33, Gibson implicitly acknowledges that electoral reform means more than what he wants to straightjacket the CA into. He equally acknowledges that the Commitment the Liberals made in their red book, was not merely to improve the way ballots translate into seats, but to turn the system upside down, to change it from top to the bottom and so on. Otherwise, if it was the Liberals' Commitment to change the way ballots translate into seats, Gibson needed say nothing.

Some of the other important facets of elections I will discuss in later articles, and this will put more in focus the inappropriateness of this Gibson recommendation.

Pertinent here is that neither Gibson, nor anybody else connected with this electoral reform enterprise have reasoned out that changing the way ballots translate into seats is what we need and that the change can be in isolation from the other facets of the political system. Unless this is adequately argued and shown to be true, the CA enterprise will likely be an exercise in futility. Worse than that, it would take the wind out of the sails of reform, since it would allow the government to do some cosmetic patchwork, not unlike was done with that neutered Recall and Initiative Act.

There are a few more general nature comments I will add to this article.

I have the highest respect for the integrity of Gordon Gibson. I am confident that in carrying out his assignment, Gibson acted in good faith, that he handled the matter with the public interest at heart. But that old adage about "the road to hell being paved with good intentions" has endured time and enjoys wide popularity only because of merit.

It is well known that by selecting the investigator, one can influence, even predetermine, the outcome of an investigation. If you wish to treat your guests to O sole Mio, you select Pavarotti to do the singing -

but if you want to treat them to Can't Get No Satisfaction, you will invite Sir Mick Jagger to belt it out. Politicians know this very well and utilize it frequently to evade accountability while implementing policies of their own against the will of the people.

One may not suspect even Premier Campbell for acting in bad faith, for one I do not. However, one should not doubt that he felt secure in retaining Gibson to design the CA. It is unlikely Campbell would willingly trust this matter to anyone likely to generate unpleasant results.

In any case, Gibson did not have to involve himself with the CA mandate. He was told that the purpose of the CA was to fulfill government's New Era Commitments (Page 30 New Era Document), the parentheses original. He ought to have left it at that.

That much is now water under the bridge. Campbell selected Gibson for the task and Gibson wrote the Report that he did. But that must not be allowed to mar this opportunity to democratize our political system - it can be done, it must be done, there are escapes in that cage they build for the CA.

Recently Lord Hutton showed the world how such things are done. After appointed to investigate the Dr. David Kelly messy affair, he interpreted his mandate as being to find the truth, the whole truth and to expose it. He unequivocally rejected any other terms of reference, written or implied.

The CA must do a Lord Hutton, for unless it does, nothing will be done of what must be done. (Demosthenes' line - heeded by the Athenians, fortunately)