

## **An Ideas Bank for the CA**

*This article was scheduled for later in the series, however, to their credit, the Citizens' Assembly has started accepting people's submissions and publishing them on the CA Website. This indicated immediacy for the "Ideas Bank" idea so that the CA may consider it in good time, before their modus operandi solidifies.*

A few years ago, a government memorandum leaked out to shock and awe the naive among us. It was directing federal civil servants to pretend to listen to citizens at public hearings, then do what they had in mind to do prior to the hearings, irrespective of what they were told at the hearings. Go on, fool the people, one may paraphrase the instruction conveyed by that memorandum.

Mr. Gordon Gibson, Premier Campbell's consultant on organizing the CA, did not conduct public hearings. However, in his Report he names over 60 people he talked to and informs us that he also benefited from "over 200 ordinary citizens of B.C. who sent mail or e-mail with their views". Gibson does not relate in his Report what these people told him. Perhaps he felt all we need be told is that he consulted with these people and, once we know this, we should be thoroughly satisfied that he put their input to best use on our behalf.

Public hearings are often recorded and transcripts are published for all to read. Such was the case with the Dosanjh Committee, who, subsequent to the 1991 referendum, held hearings on Recall and Initiative (R & I). I read all the transcripts of these hearings while working on my book "Recall and Initiative - the Quest for Democracy in British Columbia" (co-authored) but it is highly unlikely I would have done so if I was not writing the book. How many people read the R & I hearing transcripts? Do you know of anyone who read that pile of paper before I told you I did?

Mr. Paul Martin, in 1993, then newly minted Minister of Finance, put word out that he was soliciting input from citizens and organizations on preparing his first budget. I was elated and wrote him so. But before sending him bits of my financial wisdom, I suggested enhancing this wonderfully democratic process he had started. The means to do that, I took the liberty of advising him, was to do an "Ideas Bank", and I offered to help him do it, free of charge. It was not to happen and that wasn't because I did not try hard enough.

It was, therefore, more than a relief to read on the CA Website that all input by citizens will be posted. The relevant declaration on the CA website advertises that the CA will

*"... accept written submissions from the public, and make them available to all members of the Assembly. All submissions on the topic of electoral reform will be indexed on our website, and electronic submissions will be posted."*

At first glance this appears most encouraging. The CA appears to extend itself to encompass the citizenry at large, which is as it should be. However, the way it is unfolding the CA approach has some serious faults that need to be addressed if the potential of the process is to materialize.

The ultimate purpose of publishing is to get the messages into the crania of people. Since forceful injection is illegal and immoral, the CA must deliver what the people will take in, prepared and served as they would like it, ready for consumption. In our times, in our society, no one would buy a un-plucked and non-gutted chicken for their dinner.

Accordingly I was most pleased to see the way citizens' submissions are presented abstracted on the CA website. They are condensed to 40 words or so, and tabulated for the convenience of the reader. Moreover, the original submissions are archived and available to citizens who, prompted by the abstract, may want to read the entire thing. Thus far, it is well done and praise is due to CA.

But not all is well. I presume the abstracting of the submissions is done in house, by the CA staff. While I do not for a moment doubt the CA staff's abstracting skills and remain certain their integrity is sterling, I view with considerable skepticism this process for it is inherently pregnant with pitfalls. However, the problems with it are not insurmountable, as you will see in my blueprint for an Ideas Bank, following. But before I go into it, I must expose another concern I have on the CA ways.

I did not find in the CA Website any statement that the tabulation includes all, each and every one, of the submissions received by the CA. Nor is there any warning to potential contributors that submissions may be "edited", abstracted, or discarded.

I do recognize the possibility of irrelevant or churlish submissions. I also recognize the need to spare visitors to the CA website exposure to

such. But this wastebasketing of submissions, if it happens, must be done in the open. As any lawyer will testify, if he/she can prevent evidence from reaching the court, she/he may win any case. Discarding a submission is a drastic measure and, therefore, the process must be thoroughly fair and transparent.

Surely the people at large are entitled to know the criteria by which a submission may be excluded from the CA tabulation. Surely the people are entitled to observe the application of the criteria by whoever is authorized to decide the fate of their input to this all important process. One doubts not the sincerity of Galileo's prosecutors.

The CA has declared that "All submissions on the topic of electoral reform will be indexed on our website, and electronic submissions will be posted" , but this is a tad cryptic, perhaps misleading, and accordingly disturbing. Does it mean that "all" submissions will be published, including the immoral, the illegal and the blasphemous? Or does it mean all of the submissions deemed to be "on the topic of electoral reform" and only these will be published? In the latter instance, who decides whether a submission is off topic? Who has bound the topic we the people may address? Who is gagging the vox populi?

To leave the interpretation of the declaration posted on the CA website to the reader is chicanery, or so it will be perceived as being. Such perceptions are detrimental to the professed intent of an open process. Among other consequences, it will contribute to generating "apathy" while involvement is what needs be fostered.

The Ideas Bank is a concept founded on the principle that "Justice must be seen done", a principle revered in the courtrooms of the nation where judges arbitrate peoples' disputes with each other and with the public prosecutor. Such transparency is essential, for unless justice is seen done, it tends not to be done. Secrecy is conducive to rapid corruption of any justice system.

The consequences of failing to do justice to ideas can be more serious than failing to do justice in a courtroom. If, for example, his Lordship sends me for a week to the cooler, it is bad. It could traumatize me, much more so if I know that his Lordship was unfair to me. But, one day, in some way, through some means, such as a healing circle, I will recover. Contrast this to the consequences from Mr. Paul Martin's wastebasketing my surefire idea on slashing the

government deficit. Its exclusion from whatever Martin would knead into his national budget could be of serious consequence to huge numbers of citizens.

Yet, while his Lordship is obliged to reason out why he jailed me for a week, Martin, or one of his underlings, need give no reasons for discarding my idea, and could do it behind closed doors, with total impunity. Canadians may never learn that I had such a clever idea, even Martin himself may never learn that an inept, possibly sinister, underling of his killed such a wonderful idea.

Unwilling to deliver my ideas to some hooded executioner, I joined with the countless other people who have become cynical and would not waste their precious time in futile attempts to enlighten the politicians. It is human to want to spare oneself that silly form-letter: "I am instructed to thank you for your recent correspondence, your idea will be brought to the attention of the Minister". Apathy must be averted, involvement must be vigorously pursued by the CA.

The Ideas Bank answers all the aforementioned concerns and some more, to boot. It is a showcase designed to effectively expose ideas, as well as the judging of ideas, and to encourage the generation and submission of ideas. For the availability of such a facility will thwart cynicism and foster creativity, the result being more ideas, vigorous development of ideas, adaptation of ideas to issues at hand. And, equally important, it would allow for accountability by those individuals entrusted by the society to ensure society benefits by the ideas its creative members generate.

There are many ways of doing an Ideas Bank, not all of which I pretend to have considered. Each of any number of architects would shape a building different from the others, and this is acceptable providing the building is functional and suitable for the purpose of its owners. It is the same with the Ideas Bank. I will present my blueprint for the CA Ideas Bank and will be prepared to argue that the Ideas Bank I propose is easy to construct, adequate for its purpose but not excessive, albeit subject to improvement. Here it is then:

## An Ideas Bank for the CA

1. Advertise in newspapers, radio and on television that British Columbia is in the process of electoral reform. Explain the reasons for it, and outline the importance of a good electoral system to the democratic governance of the society and, therefore, to the well-being

of the people. Ensure the ad is not a promotion of a political party, namely the governing party.

2. In the advertisement, call on citizens to think about our electoral system and alternatives to it. Invite the people to submit their views and ideas to the CA - assure them that their contributions will be welcome, that they will be exposed to the society at large where they could be debated, improved, refined, and, at the end of the day, accepted or rejected by the voters.

3. In the same advertisement, set the essential cut-off time for submissions. Specify that submissions must be in writing, or in magnetic media. They may be signed or anonymous, and they may be of any length. However, each submission shall be accompanied by an abstract, of let's say 30 words - only if this is missing, the CA bureaucracy will itself compile one and the author of the submission would have to live with it, for no recourse would be available on this one.

4. Upon arrival at the Ideas Bank, the abstract of each idea will be posted in the "Tabulation of Submissions", the store-window of the Ideas Bank. Each abstract will be linked to the submission it appertains to, so that anyone wishing to peruse it further can do so.

5. In a special place, besides the tabulation, a "dumpster" (call it whatever you like) is to be created for the disposition of ideas the CA would deem unfit to be in the tabulation. If a rejected submission is such that it cannot be published even in the "dumpster", the submission shall be acknowledged therein and the rejection shall be justified. The author of the submission should have a reasonable opportunity to counter the reasons given for the rejection of the submission and the rebuttal shall be published in the CA Website, unless a judge decrees otherwise.

6. After the submission period ends, the CA will screen all submissions and the ideas the CA have generated for compliance with the Canadian Constitution, relevance to electoral reform, merit and duplication. The CA may combine similar ideas, group and categorize ideas and rephrase ideas to streamline the process. The CA may, in its collective wisdom, annotate submissions for the convenience of the citizenry. Authorship of submissions will be recognized, including that of grouped submissions.

This phase of the process will metamorphose the submissions into "Proposed Provisions of the Election Act of British Columbia".

7. Finally, a ballot shall be printed containing the "Proposed Provisions of the Election Act of British Columbia". This ballot shall be distributed to the voters as was done with the "Aboriginal Treaty Referendum". The ballots may then be mailed in, or delivered to the polling stations at the 2005 General Election, as the Chief Electoral Officer may direct.

8. Every one of the proposed provisions which receives more "Yeses" than 50% of the number of the returned ballots, shall be incorporated into the new Electoral Law. In case of conflicting provisions winning better than 50% of the "Yeses", the one which the highest percentage prevails.

9. The new electoral law shall be drafted by the CA under the supervision of a panel of three judges of the Supreme Court of BC who, prior to their appointment to the bench were not politicians. Then, the MLAs shall be directed to rubberstamp the bill, just like done with any other bill the Party Whips tell them to vote for. This time it will not be the Party Whip, it will be the Citizens of British Columbia commanding them, Edmund Burke be damned.

That is all, that is my suggestion for a CA Ideas Bank. I cannot think of a better way the CA may travel the route to its destination.

Among the other benefits it will generate, the Ideas Bank will spare the arm-twisting that is bound to be fierce if the CA is to come up with a single solution of a narrow aspect of a multifaceted problem, which Gibson and the politicians are driving the CA to. It will spare the CA staff copious "consensus manufacturing". It will safeguard the product of the CA from public suspicion that CA members were "bulldozed", or even gently goaded, to that single Gibson solution by aggressive mind-manipulators.

The payback from the Ideas Bank is in that it would have enabled the CA to reach out, to embrace the whole citizenry, to seed and harvest a rich crop of ideas our society would generate. And that the society will be starved of none of them. The ultimate benefit results of its labours will be backed by the citizenry.

Let's try real democracy this time, we owe it to ourselves.

