

CONSTITUTIONAL ISSUES OF EDUCATIONAL TELEVISION

In considering a topic involving grey areas of constitutional competence, it is necessary to consider the definitions and the legislative rights of both the federal and provincial governments with respect to education and communication. However, it is crucial to heed the practical problems of current affairs, for example the cost of educational television and also the potential effect of revitalized provincial political autonomy as typified by Quebec, which invariably become an integral part of such jurisdictional conflicts.

"It is hereby declared that

- (b) the Canadian broadcasting system should be effectively owned and controlled by Canadians so as to enrich, safeguard and strengthen the cultural, political, social and economic fabric of Canada;
- (b) the national broadcasting service should
 - (iv) contribute to the development of national unity and provide for a continuing expression of Canadian identity;
- (i) facilities should be provided within the Canadian broadcasting system for educational broadcasting; and that the objectives of the broadcasting policy for Canada enunciated in this section can best be achieved by providing for the regulation and supervision of the Canadian broadcasting system by a single independent public authority."¹

The objectives of the new act are honorable if not idealistic. The question is—is the act constitutional with regard to educational television, hereafter referred to as ETV? How far is the act constitutional in this context?

Today's Canadian society stresses education. Education plays an integral part in enabling a country to retain its status quo among nations. The Economic Council of Canada showed this awareness in its second annual review in 1966 when it emphatically recommended,

"that the advancement of education at all levels be given a very high place in public policy and that investment in education be accorded the highest rank in the scale of priorities."²

The recognition of the problem was reiterated at the Federal-Provincial Conference of October 1966 when Prime Minister Pearson said,

"Education is, under our constitution, a matter of provincial jurisdiction. The federal government does not dispute this or wish in any way to do so. At the same time education is obviously a matter of such profound importance to the economic and social growth of the country as a whole."³

His statement is supported by the fact that direct federal expenditure on education in 1964-1965 totalled \$253,000,000 and an estimate

1. *Broadcasting Act*, S.C. 1968, c. 25, s. 2.

2. "The Federal Role in Education," Robert Stanbury; *Queen's Quarterly*, Autumn 1967, Kingston at p. 369.

3. *Ibid.*, at p. 365.

for 1966-1967, "is in excess of one-half a billion dollars out of total federal budgetary expenditures of about eight billion dollars."⁴

Realization of the need for education is but a stepping stone to the cure. Today the enrollment of higher education is increasing approximately fifteen per cent per year with 205,888 students enrolled in 1965-66.⁵ There are obvious problems—lack of facilities and adequate competent staff—when so many students stay in school for so long. It is this writer's contention that the solution to the problem lies in ETV. "The Society [Manitoba Teachers' Society] recognizes an immediate need for the expanded use of ETV in elementary and secondary schools, universities and colleges, teacher in-service education and general adult education."⁶ Through the medium of TV 95 per cent of the Canadian population can be reached.⁷ This medium, first used by Manitoba in 1956, is increasingly being used to supply education to those who want it.

This article is concerned with the constitutional questions of increasing the use of ETV and the practical problems of the creation of an ETV agency and the implementation of an effective ETV policy.

A study of the case law and the British North America Act (1867) leaves no doubt that education is under provincial jurisdiction while television is definitely federal. Section 93 of the B.N.A. Act states, "In and for each Province the Legislature may exclusively make laws in relation to Education" Most of the case law is on the separate school question, yet there is still some reference to the bounds of jurisdiction. In *Roman Catholic School Trustees for Tiny v. R.*,⁸ Viscount Haldane quoted s. 93 and added, "the provincial legislature is supreme in matters of education, excepting so far as s. 93 of the B.N.A. Act restricts its authority." This view was affirmed in *Reference Re: Adoption Act*⁹ where Duff, C. J., stated:

"It is well not to forget, in examining the constitutionality of enactments of the character of those before us, that by section 93 . . . education is committed exclusively to the responsibility of the legislatures."

"Education" is a nebulous term. In 1867, "education" may have been sufficiently precise but not in 1968. For example, today's graduating engineer will, in ten years' time and with no further "education," have only one-half of the knowledge required in his field—the other

4. *Ibid.*, at p. 370.

5. Dominion Bureau of Statistics—*Survey of Higher Education; Part 1: Fall Enrolment in Universities and Colleges 1965-66*, at p. 10.

6. *Statement on ETV*, Manitoba Teachers' Society, November 22, 1967, at p. 2.

7. "Time" Magazine, December 22, 1967.

8. [1928] A.C. 363 at p. 368.

9. [1938] S.C.R. 398 at p. 402.

half has yet to be discovered.¹⁰ Is "education" all-inclusive so that the returning engineer comes within the province's scope? In the context of the twentieth century of learning "education" must have a definite constitutional meaning.

Education today is so wide in scope with its various aspects that both levels of government are actively involved. Viscount Haldane in *Tiny*¹¹ describes the education in Canada about 1867 as having,

"... schools of three principal types — common, grammar and separate schools. Since Confederation there have come into existence continuation schools, collegiate institutes and high schools which have developed out of the three kinds of schools last mentioned."

He later goes on to state that the provinces have the right to establish, "the courses of study and the general range and quality of the text-books used" as well as the graduation of the schools.¹² This is the basis of the province's jurisdiction over education. This case is but an illustration of their power. How far this power extends is up to the courts and for the legislature to decide. It is quite probable that their power does not extend to all aspects of learning. The federal government has, it is submitted, interpreted the B.N.A. Act quite accurately when they stated: "Education may be defined now, as it has been in practice as being the pre-university level."¹³ From the comments of Haldane, and an idea of the times, one can estimate that education of the common and grammar schools was confined to the lower grades. This is strengthened by the fact that he mentioned that high schools and "continuation schools" came after Confederation. There is an area of doubt with regard to whether "high schools" would be caught by the term "education." The federal government is unsure, and because of this it withdrew its direct financial support from this area.¹⁴ This gives substance to the theory that the federal government is withdrawing from fiscal areas where it feels it is constitutionally weak. However, once it has given up a "grey" area, the federal government jealously maintains that it definitely has jurisdiction in post-secondary schools, adult retraining, student loans, research and to aid cultural development. This was stated by Prime Minister Pearson at the Federal-Provincial Conference in October, 1966 when he said:¹⁵

"The federal government believes that the training and retraining of adults for participation in the labor force are well within the scope of the federal government's responsibility for national economic development . . . Once the normal process of education for an individual is

10. Introductory Speech to Freshman Engineers, Dean Hoogstratton, Sept. 1965.

11. *Supra*: at p. 373.

12. *Ibid.*, at p. 385.

13. *Federal Role in Education*, Stanbury, at p. 375.

14. Federal-Provincial Conference, October, 1966.
Financial Post, March 4, 1967, 61:1-2.

15. *Federal Role in Education*, Stanbury, at pp. 365-366.

completed and that individual is established in the labor force, measures of retraining thereafter to fit him to the constantly changing technological world is not "education" in the constitutional sense . . . They are measures to reduce unemployment; to increase the productivity and earnings of Canadian workers; and to maintain and improve the competitive position of Canada in relation to other countries."

"The culture of Canadians, as of any citizen of any country depends on many factors apart from the educational system . . . Education is but one of the formative processes through which culture emerges. But culture as such should be of interest to every level of government and the monopoly of none."

It is unlikely that the provinces will disagree with this view. In light of the partial defining of "education" the former Prime Minister has made it apparent that certain aspects of learning are within the realm of "peace, order and good government" or an undertaking which affects more than one province. The former Prime Minister has received strong moral support from Dr. J. S. Corry, Principal of Queen's University, who stated that;

"the province must be able to shape the main features of education in and for the province" but where it is necessary, "to ensure its (the nation's) survival and nourish its growth . . . then Parliament and the Government of Canada must have the power to give special emphasis and some direction to selected aspects of education . . . If there are national needs and objectives that require a concerted educational policy in two, several or all provinces, no provincial government is by itself competent in the matter, and judicial interpretation on other comparable aspects of the distribution of powers under the B.N.A. Act makes it clear that Parliament is competent under the peace, order and good government clause."¹⁶

However, Dr. Corry went on to say that it seemed incongruous that federal authority would be exerted over run-of-the-mill jobs and abandoning it entirely for all professional personnel educated by the universities. However, it is submitted that this aspect is covered by the argument that "education" in the constitutional sense does not include post-secondary learning.

Beside the possibility of such a declaration by the federal government, the provinces are aware of the financial support which they receive and, in fact, expect. Ottawa's announcement that it was withdrawing its direct aid to education ruffled federal-provincial relations. It was only when Ottawa announced that it would give the provinces \$246 million in cash and tax transfers that the waters were calmed.¹⁷ Education today is so expensive that, it is submitted, even barring the argument based on "peace, order and good government", the provinces will be forced into permitting federal intervention into the areas of research, post-secondary institutions, scholarships and loans, and adult retraining. The statement by the Manitoba Teachers'

16. *Federal Role in Education*, Stanbury, quoting Corry at pp. 367-8.

17. *Financial Post*, 61:11, March 25, 1967.

Society (hereafter referred to as MTS) supports the concept of a federal financial lever as a wedge of entering the field of learning.

"The Society [MTS] believes that many provinces will be unable to bear the cost of producing ETV within an expanded programme of instructional television [ITV]. The Society recommends that funds for production facilities and other related costs, be made available to the provinces on an equalization basis."¹⁸

The report of the Ontario Universities Committee of Presidents, "forecasts the growth of the provinces' universities to 1981—and gives the provincial government a worrying measure of the load they will have to carry!"¹⁹

It is necessary to diverge and turn to the American experience. The Americans had a very similar dilemma and their example could give an indication of what could happen in Canada with regard to the financing of ETV.

The crisis in American ETV came to a head in the 1950's. In 1948, 632 television stations were reserved for ETV.²⁰ However, the proponents of ETV came under criticism, "from commercial broadcasters, industry and other opponents of ETV for their slow activation of educationally reserved channels".²¹ By 1955, however, Oklahoma and Alabama had planned statewide ETV networks. By May, 1956, there were twenty non-commercial television stations on the air.

"As it might be supposed, this rapid expansion was enormously expensive—in 1954 alone the tab came to more than \$25 million—and it became quickly and painfully obvious that local state tax structures could hardly bear the financial burden alone, though most of them agreed that ETV was one of the foreseeable solutions to this country's educational ills and must be vigorously pursued, whatever the cost. In fact, some of the bolder patrons felt strongly about the necessities of ETV . . . that they turned to the U.S. Congress for help declaring categorially that national interests were hanging in the balance."²²

In hearings on the subject, "most of the witnesses agreed that:

- (a) lack of money kept ETV from reaching its potential;
- (b) federal assistance was a must if the potential was ever to be reached;
- (c) educational stations had to get on the air if they were to resist attacks on inactive ETV reserved stations;
- (d) ETV would be just as valuable for adults as it would for child education;
- (e) ETV would help alleviate the classroom teacher shortage."

"The Administration offered strenuous opposition on the grounds that federal spending ought to be cut and that financial support of

18. Statement on ETV—MTS, November 22, 1967, at p. 4.

19. Financial Post, 61:1, March 4, 1967; Ottawa's Opt-Out on Education "Mistake"?

20. Education Television Facilities Act; Alford, W. W.; A-V Communication Review, Vol. 15 #1, Spring 1967, at p. 76.

21. Ibid., at p. 890.

22. Ibid., at pp. 77-78.

ETV should be a responsibility of the states.²³ The original Constitution made no provision for jurisdiction over education, but the Tenth Amendment, in 1791, reserved education (which included organization, administration and financing) for the states. In 1867 the Federal Office of Education was opened and its initial function was merely to co-ordinate the states' programmes for education. The result of the financial crisis that ETV was embroiled in was Public Law 87-447. This bill provided for an equalization payment by the federal government to each of the states and the inclusion of a "no-federal control" clause. This is much the same type of plan which MTS suggested in its brief.²⁴ However, the Secretary of Health, Education and Welfare was named the final judge as to whether a state would receive funds. Mr. Loewen of MTS has stated that this has allowed the federal government to greatly encroach upon the states' control over education.

It is suggested that the same situation could exist in Canada. The provinces are caught between the need and the cost of ETV. It is conceivable that the provinces must allow federal intervention because of the phenomenal cost of education today and the need for federal assistance.

"The Parliament of Canada has exclusive legislative power to regulate and control radio communication in Canada".²⁵ This statement came from a case which was based on the results of the International Radio-Telegraph Convention, 1927, which set out the provisions of the conference:

"to be applied in all radio-communication stations established or operated by the contracting governments . . . They undertake, in addition, to adopt or to propose to their respective legislatures the measures necessary to impose the observance of the provisions of the present convention . . ."²⁶

On the jurisdictional dispute which arose, Viscount Dunedin said,

"In a question with foreign powers the persons who might infringe some of the stipulations in the convention would not be the Dominion of Canada as a whole but would be individual persons residing in Canada. These persons must so to speak be kept in order by legislation and the only legislation that can deal with them all at once is the Dominion legislature."²⁷

The Privy Council went on to state that the jurisdiction could fall within "telegraphs" and "undertakings connecting the Province with any other or others of the Provinces or extending beyond the Limits of the

23. *Ibid.*, at p. 81.

24. *Statement on ETV*, MTS, November 22, 1967, at p. 4.

25. *Re Regulation and Control of Radio Communication in Canada*, [1932] A.C. 304.

26. *Ibid.*, at p. 306.

27. *Ibid.*, at p. 312.

Province".²⁸ However, they concluded by saying that the convention dealt with matters which did not fall explicitly within s. 91 or s. 92, and since it goes beyond local or provincial interest it must, from its inherent nature, be the concern of the Dominion as a whole.

Is it then correct to say that broadcasting is exclusively within federal jurisdiction? In a case where facilities, such as radio, transcend provincial and/or federal boundaries, the federal government necessarily has jurisdiction as it affects the body politic of Canada. This view was upheld in *Johannesson v. Municipality of West St. Paul*²⁹ and *Re Public Utilities Commission and Victoria Cablevision*.³⁰ The latter case approved the *ratio* in the *Radio Reference* that broadcasting consists of both transmitting and receiving. Does this mean that if a broadcasting system, such as closed circuit or video-tape were produced, transmitted and received entirely within a province, it would be outside federal control? ETV could be, primarily, of two types—broadcasting and closed circuit.

"Broadcasting has the great advantage of being able to reach large numbers of listeners and viewers simultaneously through their ordinary receiving sets in their homes, public places or in fact anywhere within range of the broadcast. However, the limited number of frequencies and channels severely restricts the number of programmes that can be broadcast simultaneously. By contrast, the closed circuit system has the capacity to use a very large number of channels at the same time and can thus handle a much greater number and variety of programmes, but there is the compensating disadvantage that the students must be gathered within the limited range of the closed circuit."³¹

The question then is—are both types of transmission within the federal jurisdiction, and if so to what extent? The federal government, based on the decision in the *Radio Reference*^{31a} enacted the Radio Act. Section 2(1)(a) which describes broadcasting was recently amended³² to state: "broadcasting" means any radio communication in which transmissions are intended for direct reception of the general public." This section, it is submitted, is *ultra vires* the federal government with regard to closed-circuit ETV. One could possibly say that the *ratio* in the *Radio Reference* was that broadcasting is within federal competence only because the signals cross provincial and/or international boundaries. Therefore, it is possible to say that a programme which is created, transmitted and received totally within one province escapes federal control. The province could argue, with respect to closed-circuit ETV, that education is completely provincial in competence

28. British North America Act, s. 92(10)a, and *Radio Reference* *ibid.*, at p. 314.

29. [1952] 1 S.C.R. at p. 292.

30. (1965) 51 D.L.R. at p. 716.

31. Report of the Committee on Broadcasting, 1965, pp. 273-74.

31a. [1932] A.C. 304.

32. Broadcasting Act, S.C. 1968, c. 25, s. 49.

and that closed-circuit ETV is, "a local work or undertaking" . . . which does not extend "beyond the limits of the province".³³ The *Radio Reference* did not decide this point. The federal government has two rebutting arguments: First, the *ratio* in the *Radio Reference* was that, broadcasting, since not specifically enumerated in s. 91 or s. 92, fell within the residual power clause reserved for the federal government. This is a valid point, but there are two possible flaws. On one hand, the courts may decide that this is not the correct *ratio* or that there are two *ratios* and neither applies to this particular case. Also, there is the fact that provinces have been operating closed-circuit ETV in schools³⁴ and so far that their use has not been disputed. The second rebuttal is that closed-circuit ETV is inextricably bound up with public broadcasting and on the principle established in *City of Toronto v. Bell Telephone*³⁵—this aspect of ETV is automatically within the federal scope. Ironically, the federal government will be defeating its own argument if it sets up a separate agency or a separate section of the CBC for control of ETV along with the separate facilities. Former Secretary of State Judy La Marsh, "introduced a supplementary estimate of \$750,000 to incorporate a federal agency 'to construct, acquire and operate broadcasting facilities for ETV programming.'"³⁶ A good test case would be Alberta. There, Edmonton has an open-circuit ETV system, while Calgary and environs have closed-circuit. The whole projects are supported by the local school boards and provincial government with the Alberta Telephone Company providing cable links and transmission facilities.³⁷ If this situation were challenged it is submitted that closed-circuit ETV would be *ultra vires* the federal government while open-circuit would be *intra vires*.

If the provincial arguments are accepted then there is no need for a licence as provided for in s. 2A(1) of the Radio Act. However, if their arguments are unsuccessful, then, in order to stay and operate independently in ETV they must acquire a licence. It has been a federal policy since 1946 at least, that no provincial government or their corporations shall receive a licence. This policy was reiterated by the Chairman of the Board of Broadcast Governors in 1962.³⁸ The rationale is that it is wise to grant a licence only to a Crown corporation that is not subject to political abuse. Robert Stanbury, Chairman of the Standing Committee on Broadcasting . . . , agrees:

33. B.N.A. Act, s. 92(10).

34. Statement on ETV, MTS, November 22, 1967, p. 1.

35. [1905] A.C. 52.

36. *Financial Post*; April 29, 1967; 61:11.

37. *Financial Post*; September 10, 1966; 60:9.

38. Report on the Committee on Broadcasting, 1965, at p. 278.

*"The harsh, cold fact is that no government can be trusted with control of television programming. Add the authority of education to the power of television, and you have the most potent persuasion device of our time."*³⁹

Marshall McLuhan, the recognized authority in the psychology of the broadcasting medium, states why television is potentially dangerous. In *Understanding Media* he says that TV is a process whereby people become actively and totally involved in the events occurring on the screen. The TV is almost an extension of the central nervous system, he continued, and what people see and hear drastically shapes their emotions. Thus, the idea as to licencing provinces is so repugnant to the federal philosophy that it is clear that if the provinces want total control of at least closed-circuit ETV they must succeed in the courts. At least some provinces have accepted the concept of setting up an independent agency.⁴⁰

Thus, the once seemingly intact exclusive powers have or at least can be encroached upon. To what extent can each level of government increase its foothold?

With one possible exception which will be discussed later, it appears that no constitutional problem will arise from establishment of "facilities . . . within the Canadian Broadcasting system for educational broadcasting".⁴¹

The problems will arise after the creation of such an agency or an extension of the CBC. Then the very real problems which will arise—the availability of money, the political advantages and disadvantages, the federal-provincial attitudes, and the question of degree of jurisdiction in "education" and "broadcasting"—may in fact overwhelm the theoretical outcome.

Currently the majority of the provinces are involved in ETV. Manitoba was the first, and today closed-circuit ETV is in use for in-service teacher training and in some schools.⁴² Even Newfoundland has a university professor setting up a broadcast quality TV studio.⁴³ These examples lead to the question; how far will and can the provinces go? It has been suggested that the addition of television to the methods of education is not a radical transition from radio. Radio broadcasts, such as those initiated in 1943,⁴⁴ were made by the CBC in conjunction with the provinces' School Broadcasts Branch. In fact, this

39. Speech to the Mallow Road Home and School Association, Don Mills, Ont. by Robert Stanbury, April 12, 1967. Italics in the original.

40. Statement on ETV—MTS, November 22, 1967, at p. 3.

41. Broadcasting Act, 1968, Bill C-163, s. 2(1).

42. Brief on ETV, MTS, at p. 1; and Winnipeg Free Press, February 7, 1968, at p. 3.

43. Financial Post, June 17, 1967, 61:N-9.

44. ETV Brief, MTS, at p. 1.

same situation exists today in Manitoba in the production of ETV programmes. Hence, the golden rule has been "co-operation". Will this change? It is quite likely that the federal government will develop a hostile attitude when a separate agency for ETV is established. The provincial position is that co-operation would end with the creation of such an agency because programme content would be the sole responsibility of the province.⁴⁵

There is the area of dispute. It is submitted that this is the provinces' initial bargaining position, and not where they hope to end up—if they are realistic. They must be cognizant of such factors as the need for ETV, the fantastic costs of ETV, and the federal government's definition of "education." These factors outweigh the argument that they, the provinces, are more aware of, and flexible to, local problems.

It must be obvious that for all its financial and technical contribution, the federal government, like its southern counterpart, will want some control over programming. A solution to the problem is that the new federal agency will have no control over "instructional (classroom) television" (ITV). It is impossible because the provinces control classroom curricula and also, with provincial autonomy being so potent a force today, such a move would mean almost certain political disaster to the party that tried to implement such a policy. However, in return for the freedom of control over ITV and being aware of the federal policy on "education", the provinces will give concessions. One of these will be the field of public educational television (PTV). PTV fits neatly into the former Prime Minister's semantics on "education." Through PTV, which would be broadcast continuously over very high frequency (VHF) channels, the housewife and her family at home could be reached. Through this medium it is possible that a Canadian culture could be developed, and even achieve the retraining and "educating" of adults for the work force. It is suggested that "peaceful co-existence" would now be the accepted status quo as each has something to hope for from the new truce.

POSITION AND POTENTIAL OF QUEBEC

Quebec's position in ETV is theoretically the same as that of any other province. However, it is possible that politics could show a different result. At the recent constitutional conference, Premier Johnson issued a brief. The federal government called the conference primarily because it wanted to establish the fundamental human

45. *Brief on ETV, MTS*, at pp. 1 and 3.

rights. Quebec's brief, which has been termed "Quebec's first list of demands," embodied a reference to broadcasting.

"Another area to which the Quebec Government attaches the utmost importance concerns media for the dissemination of education and culture, particularly radio and television. As things now stand, the provinces are a long way from playing the part that should normally be theirs in this field. Since frequencies are controlled by Ottawa, allocation of radio and television stations within Quebec boundaries was made without our government being given the slightest voice in the matter. This situation results from the interpretation given by the courts to our constitution, and is unacceptable to Quebec."

"The changes required in this area will have to take into account the various components of broadcasting; we refer particularly to such organizations as the Board of Broadcast Governors and the Canadian Broadcasting Corporation. The composition of these two organizations must give a truer image of the country's bicultural dimension. To that end, a number—to be determined later—of members on the boards of directors of both organizations should be appointed directly by Quebec. Air waves are rightfully considered to be in the public domain; they cannot and must not be the federal government's apanage. Just as programme content, allocation of frequencies can have serious repercussions at the cultural level. Quebec cannot tolerate any longer being kept outside a field where her vital interest is so obvious, especially in view of the potential impact of audio-visual means of mass communication in educating both children and adults."⁴⁶

The statement in itself has little significance. It is unlikely that the *Radio Reference* will be changed now. It has already been explained why state control is potentially dangerous. With regard to the Board of Broadcast Governors and French representatives on this board, it should be stressed that the choice of representatives is made on the grounds of the quality of the man and not the province of his residence. That is not to say that the French are incompetent—recall J. Alphonse Ouimet, the former President of C.B.C.

The position in broadcasting could be altered because of Quebec's political unrest. Quebec is on the "outside" because it wants to be. Its lists of demands and priorities are bargaining points. One of the "pawns" in the bargaining could be broadcasting. It could be sacrificed to or by Quebec in order to gain something of a higher priority.

The only reason Quebec is discussed separately is because of a possible constitutional change which could affect education and/or broadcasting. Constitutional change is a very real probability in today's world and Quebec is the catalyst. Even if there is such a change, it is submitted that it is unlikely that ETV would become entirely provincial. As shown by the American experience where the states became so financially indebted, it is suggested that there would still be a federal agency which would control financing. Hence, even with a

46. Government of Quebec—Brief on the Constitution—February 5-7, 1968, at pp. 15-16.

constitutional change, it is improbable that the federal government will be excluded from ETV.

The recent advances in the broadcasting medium as a boon to educational teaching coupled with the federal government's stand on "education" must lead to federal-provincial co-operation. Barring a constitutional change, broadcasting by means of closed-circuit which does not transcend provincial boundaries, is likely to remain unopposed and in fact may obtain federal aid. In return, education at the post-secondary levels and the retraining of the work force as well as the establishment of a national culture through PTV will be conceded by the provinces.

RICHARD C. DIXON*

* Third Year Student, Faculty of Law, University of Manitoba.