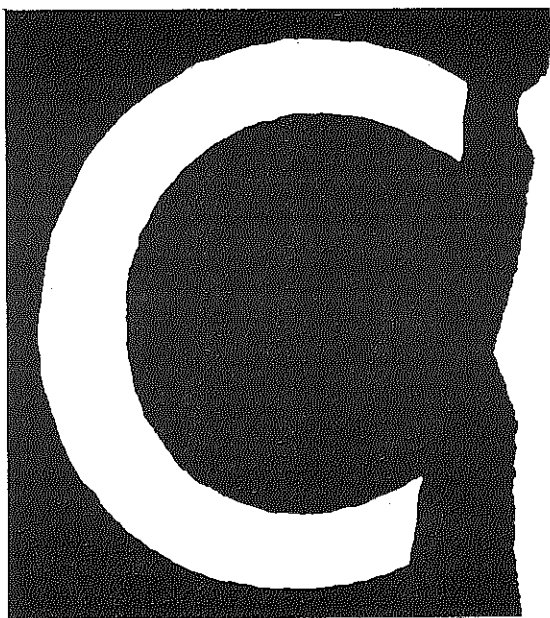


ROADCASTING POLICY AND THE PUBLIC

By Marc Raboy



ommunications Minister Marcel Masse's creation last April of a task force to review all aspects of Canadian broadcasting may have put a temporary hold on the sense of turmoil in the field which followed the federal government changeover of September 1984. But the nature of the enterprise—a task force, which will consult interested parties privately but hold no public hearings and receive no unsolicited submissions—points to the new direction in which communications, especially broadcasting, policy is heading: never, since the subject was placed on the public agenda in the late 1920s, has the Canadian public been so absent from the policy-making process.

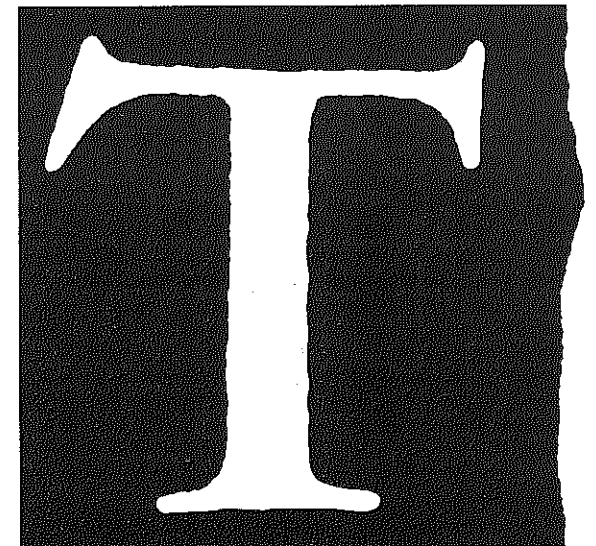
This direction has been evident since the Conservative government came to power, in the dramatic increase of ministerial involvement in nominally autonomous areas like the CBC budget; in the rapid move to reintroduce a discredited piece of abandoned Liberal legislation (Bill C-20) which would give the cabinet political control over the independent regulatory agency, the CRTC; in the closing down of the main institutional channel of public expression, the CRTC licence renewal hearing, in the case of the CBC this year; in the minister's clear preference for interlocutors from the private sector rather than public interest groups when he 'consults' on a particular question.

The focusing of public attention, especially in English Canada, on the CBC's budget cutbacks, has highlighted only one—albeit crucial—aspect of the problem, the role of the national public broadcaster. But the minister of communications himself has been the first to admit that the CBC's fiscal crisis was only the tip of the iceberg: the entire *system* is being rethought, and will be reorganized, on the basis of a new consensus (to emerge from where, it is not yet clear). It is immediately evident to even the most casual observer that the government is determined to reduce the role of the federal state in the broadcasting business, and will strive to create a broadcasting environment in which private enterprise can flourish.

But every development of the last year indicates that the victim will be not only the Canadian broadcasting system as we have known it since 1932, but also the democratic tradition whereby the Canadian public, or more properly, publics, have regular access to the decision-making process, particularly in moments of change.

The Conservative policy thrust in communications is, of course, part of a process that is neither specific to that party, nor indeed, to Canada.¹ The government is riding the global wave of general conservatism whose hallmark is the redefinition of the role of the state in all aspects of public life. 'Deregulation', 'privatization' and reduced budgets for public services are all manifestations of this general shift. Whether these manifestations coincide with the general ideological orientation of the Conservative Party, or are the reason the Tories are in power, the important thing is to understand the fundamental change in the system over which the government is presiding.

Public Interest And National Broadcasting



he historic importance of government as patron, organizer and enabler of the cultural and technological aspects of communication systems in Canada is self-evident. Government intervention has been the means by which the Canadian state has guaranteed Canada's national sovereignty, a secure capital base for its entrepreneurs and financiers, and free expression and access to communications for its social interest groups.²

This multiple role has been made possible by an identification of the political function of the state with the 'public interest'. As the state—if not the government of the day—is perceived as the embodiment of the public interest, its interventions can be made in the name of public interest. Conversely, critics of government/state interventions put themselves forward as alternative representations of the public interest. This process tends to obscure the actual role of the state, as the promoter of particular *private* interests, and also the fact that as a pivotal social institution, the modern state has its own particular interests.³

In the advanced, industrial west, the state's interests include: (1) the need to maintain and promote a sound national economy, based on the expansion of capital and the furnishing of a minimal social welfare net; (2) the need to maintain social peace by minimizing class conflict and maximizing cross-cultural, inter-regional harmony; (3) the need to negotiate a favourable position for the national entity it represents on the global, geopolitical scale; and (4) the need to maintain its own legitimacy above and beyond question.

In the specific case of Canada, the state has had two principal tasks: (1) to protect the integrity of the national entity from the centripetal pull of the imperial neighbour to the south; and (2) to protect the internal cohesion of the national entity from the threat of fragmentation posed by Canada's particular 'national unity' crisis.

Until recently, a strong, central communications and broadcasting system was perceived as fundamental to both of these tasks, and federal policy flowed from that perception. This basic assumption has now changed.

Throughout the 20th century, it has been necessary, in all the western countries, to 'defend' the very idea of public life against the advancing ideology of the marketplace.⁴ The emergence of public broadcasting systems in the 1920s and 1930s was, along with the introduction of social welfare measures, a manifestation of an expanding state as well as a question of principle.

In Canada, the initial legislative framework for broadcasting—brought in by a Conservative government, as we are continually reminded these days—was in fact the result of a conjuncture of nationalist sentiment, economic circumstance and one of the broadest, most determined movements of public opinion in Canadian history. While nationalism provided the main impetus for the Canadian Radio League, the demand for public broadcasting also contained an emancipatory notion of public life and the possible role of broadcasting therein.⁵

The pattern we are now in dates from the end of the Second World War, since which time the Conservatives, mostly in opposition, have acted as the political voice of the private sector in broadcasting, while the Liberals, mostly in government, have advocated a politically-motivated predominant public sector. In the economic 'boom' climate of the 1950s, public service advocates had to defend the public sector against the increasingly credible and successful efforts of private enterprise to roll back the ideological and material gains conceded by the state in the earlier period. The Royal Commission on Broadcasting of 1957 still insisted on considering the public sector predominant, but the practice of the new Board of Broadcast Governors created by the Broadcasting Act of 1958 (under the last strong Conservative government) quickly elevated the private sector to equal status.⁶

It is interesting to note the parallels and the differences between the last full-scale broadcasting policy review under the Liberals in the mid-1960s and the new one announced last April 9.

The report of Marcel Masse's task force is to be the basis of a white paper to be produced next year and aired before a parliamentary committee before becoming legislation. The Broadcasting Act of 1968 was also preceded by a White Paper on Broadcasting (1966) that grew out of the private deliberations of a special advisory committee set up by Secretary of State Maurice Lamontagne in 1964 (The Fowler Committee).

Lamontagne publicly announced his review in a speech to the Canadian Association of Broadcasters in Québec City; Masse made his announcement to the Canadian Cable Television Association in Toronto.

There the parallels stop. Under the Pearson and Trudeau governments, successive secretaries of state—Lamontagne, Judy La Marsh and Gérard Pelletier—forged a national cultural policy, with broadcasting and the CBC in particular as its cornerstone, designed to meet the political challenge of Québec nationalism and the new social movements of the 1960s. In the Liberal strategy for Canada, the Broadcasting Act of 1968 had two overriding purposes: to preserve as best it could the CBC's diminished position in the broadcasting system and to write into law an explicit obligation for the CBC to promote the cause of national unity.⁷

In this process public broadcasting was equated to broadcasting in the national interest and the identification of the 'public' interest with the particular interest of the Canadian state reached its height. This was recognized by one Member of Parliament, who said during debate on the Broadcasting Act:

I wonder whether the government has given sufficient thought to the insertion of this phrase in the bill because it seems to me that we have treasured in this country over the past thirty years the establishment of something that was very unique and important—a public broadcasting system, not a state broadcasting system. When we begin to move into areas such as...national unity, we are in effect moving away from the concept of public broadcasting toward the idea of state broadcasting whereby the broadcasting system of the country becomes an extension of the state.⁸

The MP who took this strong position was David Macdonald, who later served briefly as communications minister in Joe Clark's government of 1979-80.

MacDonald's position notwithstanding, there has been a consistent tactical difference between the way Liberals and Conservatives have used the broadcasting system. Put simply, Liberals have seen it primarily as a political instrument in time of crisis and a cultural tool for nation-building in time of social peace; while for the Conservatives it is an important sector of the national economy. Thus, the Liberals have tended to resist the encroachment on the dominant position of the public sector which began to set in after the War, while the Conservatives used their one significant period in office to make great strides for the private sector, taking regulatory authority away from the CBC and overseeing the establishment of effective equality between public and private television—something which had never occurred during the earlier radio era.

What the Clark government might have done had it survived is an enigma in this regard. David MacDonald, perhaps the most progressive individual ever to hold the communications portfolio⁹, initiated the Federal Cultural Policy Review that produced the 'Applebaum-Hébert' report, but was not around long enough to receive it.

The Applebaum-Hébert review demonstrated a lack of sensitivity to any real notion of public involvement in either the formulation or the object of broadcasting policy. The essence of the Canadian broadcasting system, the committee's report stated, is its 'national' character, in which two sub-systems distinguished by ownership—the private and the state—coexist. The committee thus continued the myth that Canadian broadcasting constitutes a 'single national system', just as it offered concrete proposals whose effect would be to begin dismantling the 'public' component of the system to the benefit of the 'private'.

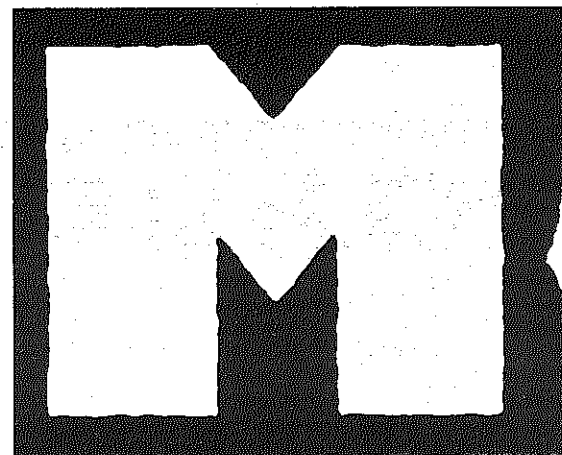
By the time the Applebaum-Hébert report was tabled, with its radical proposals for reducing the role of the CBC, the political and technological context had changed: the Liberal Party's political sigh of relief following the Québec referendum of 1980, and a dramatically increased technical capacity for television reception destroyed both the political need and the practical meaningfulness of a strong (and costly) voice promoting national unity. As audiences fragmented and the national unity crisis began to settle in the early 1980s, Canada's last nationalist minister of communications, Francis Fox, began floating policy proposals departing from traditional Liberal commitment to public—that is, 'national'—broadcasting.¹⁰

John Turner's short-lived administration was a tribute to political schizophrenia,

demonstrating the malaise of traditional Liberal policy. Turner split the hard and soft dimensions of the 'communications' portfolio, which had been unified at last in 1980, so that the economic aspects were handled by a business-oriented minister, Ed Lumley, and virtually appended to the ministry of industry and commerce, while the cultural aspects reverted to a secretary of state with solid credentials as a scrapper for national unity, Serge Joyal.

So the policy changes we are now living through are partly conjunctual, partly historically-rooted, and partly a continuation of a process begun by the previous government. Indeed, as Marcel Masse told a group of Québec journalists last December, 'We're not the ones who threatened to put the key in the door of the CBC because we didn't like its news coverage'.¹¹

'Denationalization': National Interest Without The State?



Marcel Masse's appointment to the reunified portfolio of communications-cum-culture was a fascinating move which brings credit to the new prime minister's reputation for political astuteness. Marcel Masse is not only a dyed-in-the-wool Tory, but a Québec nationalist who earned his stripes with the Union Nationale government of the late 1960s in its battles against federal centralism in communications and for more provincial cultural power via agencies like the provincial broadcasting network. Considered an 'ultranationalist' member of Daniel Johnson's government, Masse served as minister of state for education and later, under Jean-Jacques Bertrand, as minister of intergovernmental affairs. He was thus close to one of the stormiest dossiers in federal-provincial relations of that era, educational broadcasting, and was part of the government that created Radio-Québec. His appointment last fall was no naive one, as he would have come to the direct attention of Brian Mulroney as far back as 1968, when the present Canadian prime minister worked closely with the Union Nationale in planning Conservative electoral strategy for Québec in that year's federal election.¹²

Masse was just the man to apply the axe to the CBC when his finance minister ordered him to find savings last November. Only vaguely committed to a public broadcasting system, both in principle and as a vehicle for promoting national unity, the Tories have little to gain from preserving the CBC. On the other hand, in tendering the olive branch to the provinces, particularly Québec, the government has significant political capital to gain, while the increased space opened up for private sector expansion by a diminished CBC meets the expectations of the Tories'

traditional clientele, particularly the private capitalist entrepreneurs of Canadian culture.

Masse was just the man to 'denationalize' the public dimension of Canadian broadcasting—that is, to separate, in a way no Liberal or Canadian nationalist could ever do, its 'national' purpose from the direct responsibility of the state.

Masse's approach was laid out in an interview with *Le Devoir* published December 20, 1984. To journalist Bernard Descoteaux, it was clear that the era of mass state involvement in defining Canadian culture was a thing of the past.

Descoteaux quotes Masse:¹³

The Conservative Party applies its theories in every sector, in communications as elsewhere...the state is an important tool in economic affairs as in cultural affairs, but we are not about to have a culture of the state...we are going to have a culture of Canadians.

We have insisted, to the exclusion of everything else, that the defence of Canadian culture was the CBC's responsibility. We have insisted on this until everyone else wound up believing they had no responsibility. Perhaps it's time to redress the balance. Canadian culture belongs to the Canadian people, and it is up to them, through all their institutions, to see that it flourishes...

Masse went on to reiterate the importance of viewing the private sector as *equal* in importance to the public sector—a point that had been fundamental to the Tory reform of 1958, and that had marked its departure from previous policy:

The independent broadcasters are part of the Canadian experience. They should not be perceived by the CBC, nor by the Canadian government, as secondary vehicles.

I refer to the Tory policy as one of 'denationalization' in the sense that it sees a major role for what the Liberals, ever insistent on a centralized vision of national unity, only accepted begrudgingly: an important role for the 'other' public broadcasters, the provincial agencies. In effect, this is a farming-out by Ottawa of public service responsibilities. Masse told *Le Devoir's* Descoteaux he sees the provincial broadcasters as positive instruments for regional cultural development, which should no longer be viewed as invaders of federal territory.

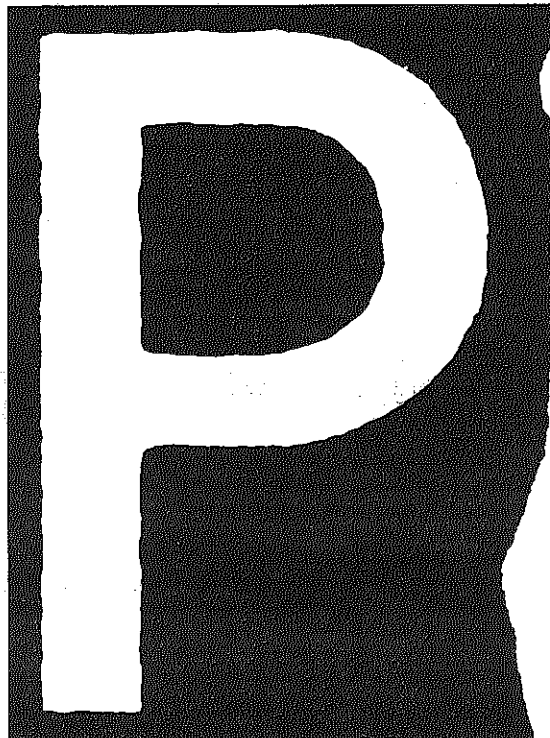
The inclusion of the provinces in the strategy for extricating the federal government from state responsibility augurs a tripartite approach to national policy (Ottawa-provinces-private sector) which the Québec government finds particularly attractive. In February, Masse and Québec communications minister Jean-François Bertrand announced a \$40 million seed-money agreement for Québec-based firms—the first federal-provincial accord since Ottawa and Québec created their respective communications ministries in 1969. They also set up a federal-provincial committee to study and report on possible areas of collaboration.¹⁴

In addition to the government, a segment of Québec nationalist opinion sees the new distribution of resources in communications as outweighing the negative effects of federal policy on traditional public services. In an editorial March 23, *Le Devoir's* Lise Bissonnette called the pro-CBC campaign of the artistic and cultural community of English-Canada 'unacceptable and dangerous' for Québec because of its centralizing tendencies. She asked: 'Are we prepared, in Québec, to accept being enclosed in the obscure concept of "Canadian culture"?' From Québec's point of view, she said, there was cause to applaud the move away from the massive federal involvement in cultural af-

fairs that characterized the Trudeau regime.¹⁵

This critical view is consistent with a long line of Québec dissidence that has blocked a truly pan-Canadian consensus on broadcasting since the Taschereau government and the Dominion argued the question of jurisdiction before the Privy Council in London in 1931. It provides a glimpse of the extent of the problem of determining the public interest in Canadian communications.

Or Without The Public?



art of the problem in the present crisis must clearly lie with the public itself. Referring to the ease with which the government put the axe to the CBC budget, Peter Desbarats commented in the *Financial Post* last December 29:¹⁶

Not since the controversy over the political independence of 'This Hour Has Seven Days' in the 1960s had Ottawa dared to establish such a direct link between the cabinet and CBC management.

In contrast with the events of two decades ago, the CBC appeared to accept this emasculation without any public signs of outrage. Its apathy was matched only by the public's apparent lack of concern, a sad commentary on the corporation's loss of contact and identification with its audience, particularly its television audience.

Since that article appeared, there has, of course, been a significant public response to the CBC cutbacks.¹⁷ But in several other areas where the government has anticipated its own new policy there has been no public intervention. While public debate and media attention focus on the attempt to rationalize public spending on broadcasting by cutting CBC budgets, and the legitimate critique that this will have a disastrous effect on the cultural production community, a much more insidious and far-reaching set of problems remains obscured.

However we care to criticize it, the CRTC has the merit of being, in theory at least, an independent agency through which the public interest can and should be represented. By the early 1980s, the CRTC and the department of communication—an arm of government, not an independent public agency—were locked in a competitive situation bordering on impasse. In a piece of legislation introduced in February 1984 the government tried to bring the CRTC under ministerial control.

The Liberal's Bill C-20 gave the cabinet power to issue directives to the CRTC on any matter under its jurisdiction, except particular broadcasting licenses. Where 'matters of public interest' were concerned, however, the cabinet could issue a directive affecting specific licensees. Bill C-20 also proposed to amend the Broadcasting Act giving the entire broadcasting system a mandate to be 'balanced' and give the CBC the objective of becoming 'distinctive'.

Bill C-20 never made it into law and fell with the Liberal government. The Conservatives reintroduced it December 20, 1984, but with attention massively focused on the CBC cutbacks it has gone virtually unnoticed—except in Québec, where public interest groups tend to be sensitive towards government attempts to assert political control. Indeed, only the most persevering followers of policy development seem to have noticed it, yet Bill C-20 has long-range implications which make the CBC cutbacks pale in comparison.

The new version of the bill seemed to anticipate the charge of political interference. It no longer refers to special measures which might be necessary in the 'public interest'. Speaking in the House on second reading January 31, Masse emphasized the 'guarantees' that protect the public against abuse by the bill: (1) the Canadian Charter of Rights, which protects freedom of expression; (2) the exclusion on directives involving particular licensees; (3) a new provision requiring the minister to consult with the CRTC before issuing a directive; and (4) a 30-day delay during which the directive would be referred to a parliamentary committee (also in the Liberal version).¹⁸

At the same time, Masse presented the bill as a major element of the new edge the government was putting on communications policy. He presented the new Tory gospel of Canadian communications history, lauding our telecommunications and broadcasting systems as concrete realizations of the prophetic dreams of men like John A. Macdonald and R.B. Bennett—and as the result of dynamic cooperation between the private and public sectors.

Bill C-20, the minister said, aims essentially to clarify and establish a new equilibrium in the distribution of powers between the government and the regulatory agency. It aims to close the gap between communications legislation and the cultural possibilities of the new technologies which existing legislation did not anticipate. Quoting Montesquieu and Cardinal Richelieu on the role of the state, Masse said it may be in the public interest to deregulate certain telecommunications services. The telecommunications industry would flourish in the marketplace provided public regulatory intervention were kept to a minimum, and Bill C-20 aims to facilitate this.

It was time to review telecommunications and broadcasting policy, Masse said, and this bill was somehow related to that review, but in just what way he did not make clear.

Last March, the Institut canadien d'éducation des adultes (ICEA) and 30 Québec labour and community groups called for the postponement of such interim legislative action until a new overall communications policy, based on a wide public consultation, was developed.¹⁹

Bill C-20, according to the Québec coalition, gives the minister a 'blank cheque' to make new policy as he pleases, and on an ad hoc basis, without obliging him to state his general intentions and debate them with the public. So far, the cornerstone of his policy appears to be deregulation (Bill C-20 also

proposes to extend from five to seven years the duration of a broadcasting license, thus diluting public control).

Most important, the coalition said, the bill contradicts the 1968 Broadcasting Act, which states that an independent agency is the best guarantee that policy objectives will be met. Such a fundamental change in the basic framework of the system should not be made without public debate, the ICEA-led coalition argued. Yet, while Masse habitually mentions 'consultation' in his speeches, and has in fact privately consulted specific groups and organizations, no public consultation mechanism has been indicated in connection with the policy review.

The task force announcement of April 9 continued this pattern of policy-making without public debate.

Indeed, under the Tory government, even the CRTC, the main public consultation mechanism of the past 15 years, has reduced its role as a place where the public can appear. On March 13, in anticipation of the ministerial review, the CRTC renewed the CBC's television licenses without holding the obligatory public hearings. As the ICEA pointed out, this was in effect implementing Bill C-20 before it even became law: already, in the case of the CBC, public control has been replaced with ministerial control.²⁰

CRTC hearings on the CBC at this time would have been a forum for public expression on the present and future role of the public broadcaster in the overall communication system. In their absence, the CRTC did maintain plans to go ahead with a slew of public hearings on other broadcast licenses. In Montréal alone, hearings last May dealt with the renewal of licenses for several private radio stations, Radio-Québec, the private television network Télé-Métropole and the awarding of a license for Québec's controversial 'second private French network'. Ironically, the tabling of such a massive agenda by the CRTC coincided with the absence of the traditional forum on the 'national' public broadcaster, a step which underscored both the scope of the regulatory agency's authority and the diminishing of the possibility for effective, independent public representation before it.

Traditionally, communications policy in Canada has been made, at least in principle, only following long and thorough public debate. While a case can be made for the government to make policy in lieu of an agency whose mandate is once-removed, where is the justification for circumventing public debate?

Which raises the question: if 'public' broadcasting is to be deflected from a national to a regional, or provincial level, is public debate to follow the same trajectory? Again, recent events in Québec provide a glimpse of an answer.

The oldest provincial broadcaster, Radio-Québec, has always appeared as a somewhat incomplete mutant form of public broadcasting. Last fall, the provincial minister of communications spoke publicly of transforming Radio-Québec into the 'second private French network' promised for Québec by former federal minister Francis Fox. Following several weeks of controversy over this plan, and an accompanying proposal to introduce advertising to the educational network, Québec undertook to produce a document clarifying the orientation of Radio-Québec.

The document *Radio-Québec maintenant* was published March 11. It proposes that Radio-Québec remain unequivocally a public body, with a mandate wherein 'educational' is interpreted in the broad 'cultural'—as opposed to the narrow

'pedagogical'—sense, and with financing based partially on a limited amount of indirect advertising.

In a statement accompanying release of the document, communications minister Bertrand said the report ought to be the object of a broad public debate; after all, Radio-Québec's shareholders, he said, were 'tous les québécois'. Bertrand said the report would be submitted to the Québec cabinet committee on cultural development, to the provincial parliamentary commission on education and culture, to the CRTC and to Québec's regulatory equivalent, the Régie des services publics, as well as to the Forum permanent des communications, a consultative body created after the October 1983 provincial 'summit' on communications.

The Québec government has a political interest in allying 'the public' with its policy on educational broadcasting. As the only broadcasting agency completely under its control (and even then, subject to CRTC approval), Radio-Québec is the province's point of entry into the field of mass communication. In terms of potential constitutional dispute (for example, over the definition of 'educational' broadcasting) it is important that a Québec position be legitimated by a demonstration of popular support.

But the origins of Québec's policy are apparently as dubious as its federal counterpart. According to a report in *Le Devoir*, the whole fuss originated with a top-level government committee named to develop a strategy for Radio-Québec ('Comité directeur sur la participation de Radio-Québec aux mutations de la télévision au Québec'). This committee was composed of the secretary of the provincial cabinet, the deputy ministers of communications and cultural affairs and the chairperson of Radio-Québec...hardly what one could call accountable public representatives!²¹

This news prompted the ICEA to comment last December:²²

It is high time, in our opinion, to return to a more democratic practice in this area. We need to know who is making the decisions about Radio-Québec, on what basis and according to what policy.

We therefore demand that the minister of communications make public his department's policy on communication and cultural development, and submit that policy to public consultation.

What course the public consultation on Radio-Québec will take remains to be seen. In Québec, too, there is a strong tradition of public input to broadcasting policy, but here as well, the climate does not favour tradition.



viewed comprehensively, the fundamental policy question remains unchanged after 50 years: which is to prevail, the logic of public service or that of the marketplace? This is more than a question of who is to own the media, or how much public funds are to be committed to them. It is more than a question of Canadian content or constitutional

jurisdiction. It is fundamentally a question of how we view our democracy.

It seems clear at this point that not only the government but the different publics making up the community affected by federal policy need to review their desires and expectations with respect to broadcasting and communications. These need to be developed and articulated as policy proposals expressing an ideal, not restrained in the first instance by practical considerations. In the government's scenario, debate will be invited only in reaction to the accomplished fact of the white paper, thus depriving the entire community of exposure to the utopian side of the public imagination.

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