



MG 154 – D.A. Schmeiser fonds

Dates: 1930-2001 (inclusive); 1961-1999 (predominant).

Extent: 3.86 m of textual records, 2 discs, 3 audio cassettes.

Biography: Douglas Schmeiser was born on 22 May 1934 in Bruno, Saskatchewan. He earned a BA (1954) and LLB (1956) from the University of Saskatchewan, and both a LLM (1958) and SJD (1963) from the University of Michigan. He was hired by the University of Saskatchewan as a special lecturer in 1956, and began teaching full-time in 1961. He was promoted to full professor in 1968. From 1964-1974, he served as director of graduate legal studies in the College of Law, and as Dean from 1974-1977. In 1995 he was named Professor Emeritus. Schmeiser is author of numerous books, including *Civil Liberties in Canada* (1964), *Cases and Comments on Criminal Law* (1st edition 1966; 5th edition 1985), *Cases on Canadian Civil Liberties* (1971), *The Native Offender and the Law* (1974), and *The Independence of Provincial Court Judges: A Public Trust* (1996). He has served as a constitutional consultant for various provincial governments, and internationally, as a consultant and advisor on law reform, constitutional and other legal matters to various governments. Among numerous other positions he has served as Director, Canadian Council for Human Rights; president of the Canadian Association of Law Teachers; and from 1982-1987 he served as chair of the Law Reform Commission of Saskatchewan. His community service has included various positions with the Saskatoon United Appeal; trustee with the Saskatoon Catholic School Board; and a member of the executive for the University of Saskatchewan Retirees Association. He has been named an honorary life member of the Saskatoon United Way; honorary president of Nature Saskatchewan; and has received the Saskatchewan Centennial Medal for service to the legal community; the Distinguished Alumnus Award from St. Thomas More College, and in 2010 was given the Saskatchewan Order of Merit, the province's highest honour. He passed away April 28th, 2018.

Scope and content: This fonds documents the career of Douglas Schmeiser, notably his work as a constitutional advisor both in Canada and internationally; his work with the Law Reform Commission of Saskatchewan, as well as his study of judicial independence and judicial compensation; and his work on human rights.

Arrangement: It has been organized into 7 series:

1. General
 - 1.1 General
 - 1.2 Addresses, Articles and Publications
2. Canadian Constitutional Negotiations
 - 2.1 Pre-1980
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- 5. Law Reform Commission of Saskatchewan
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There are restrictions. Series 2, Canadian Constitutional Negotiations, is **closed** until July 2031. Subseries 6.2, Judicial Salaries, is **closed** until July 2036. Other restrictions on individual files are noted within the finding aid; please consult an archivist.

Material is primarily in English, with some French, Arabic, Russian and Ukrainian.

Donated to the University of Saskatchewan Archives by Douglas Schmeiser in three accessions: 1995-051, 1995-054 and 2011-061.

Further accruals expected.

Finding aid created by Cheryl Avery, 2011. Formatted by Amy Putnam, 2018.

Series 1 - GENERAL

This series contains materials indirectly related to other series; as well as materials relating to Schmeiser's research interests, writing, and public addresses.

1.1 General

Alberta Tenure Committee. – 1969.

Civil Liberties in Canada - Book Reviews. – 1964-1965.

Civil Liberties in Canada – Publication. – 1961-1980.

Correspondence, agreement with Oxford University Press, royalties statements, etc.

Constitutional Law / Environmental. – 1989, 1994.

Annotated copy of the Emergencies Act, together with "Endangered Species and the Parliament of Canada," by Dale Gibson.

Constitutional Research, Argentina and Peru. – 1976-1987.

Council for Canadian Unity.

Criminal Law Casebook - Publication. – 1964-1984.

Registration of copyright; publishing contracts.

Curriculum Vitae. – 1995, 2011.

Red Pheasant Indian Reserve Investigation. – 1970.

Reform Party of Canada. – 1988-1996.

1.2 Addresses, Articles and Publications

"Death, Dying and Euthanasia. – 1983-1995.

Presented at the annual meeting of the College of Family Physicians of Canada, Banff, 16 April 1994. See also below, Saskatchewan Health-Care Association: a copy of "Living Wills..." was part of this file.

"Living Wills and Medical Treatment of the Terminally Ill." – 1989.

The Native Offender in Canada. – 1973.

"Notwithstanding..." The New Charter of Rights and the Criminal Justice System. – 1982.

Saskatchewan Health-Care Association – Address. – 1988-1989.

"Living Wills and Medical Treatment of the Terminally Ill," given 12 January 1989.

Senate Standing Committee on Legal and Constitutional Affairs. – 1994.

Notes and background materials relating to a presentation before the Committee on 5 July 1994, specifically concerning Bill C-22, Pearson International Airport Agreements Act.

Box 2

Special Senate Committee on Bill C-110. – 1995-1996.

Submission by Schmeiser; Patrick J. Monahan (Osgoode Law School); Ovide Mercredi (Assembly of First Nations); the Inuit Tapirisat of Canada; Claude Ryan (Quebec); Stephen Kakfwi (NWT); Stephen Scott (McGill); and Jean Chrétien (Prime Minister).

Teplice, Slovakia Conference. – 1992.

“The Role of the Defence Counsel.” Paper for seminar on “fundamental issues regarding the criminal justice system in transition from a single party to a multi-party state.”

Series 2 - CANADIAN CONSTITUTIONAL NEGOTIATIONS. - Closed until July 2031.

This series documents three decades of significant negotiations between the provinces and the federal government, regarding the Canadian constitution.

Box 8

Series 3 - HUMAN RIGHTS

Affirmative Action. – 1978-1979.

Notes, reference material, specifically concerning the Bakke and Weber decisions in the US.

General Material (Canadian).

Human Rights Commissions – Cases.

Hutterites. – 1963-1967

Indian Treaties.

Reference material.

International Documents.

Reference material from the United Nations; the US; Europe.

Islamic Law.

Reference material.

Multiculturalism. – 1984, 1988.

Publication from the Canadian government; address by David Matas.

Northern Travels – Diary and Interviews. – 1965-1969.

Study of the administration of justice in the North, sponsored by the Donner Canadian Foundation. Includes copy of The Musk-Ox with Schmeiser article, "Indians, Eskimos and the Law."

Box 9

Religious Traditions. – 1979.

Copy of remarks made at the UNESCO meeting, "expert meeting on the place of human rights in cultural and religious traditions," Bangkok.

Separatism (Quebec). – 1983-1995.

Typescript of article by Greg Craven; symposium paper by Daniel Turp; article by Jordan Paust; newspaper articles.

Separate Schools. – [ca. 1930]-1965.

Pamphlets and copies of articles and addresses, including "A Legal and Social Analysis of Separate Schools"(Schmeiser); the Catholic Radio Forum; "The Constitutional Guarantees with Regard to Education in Saskatchewan" (Tollefson); etc/

Terrorism. – 1987-1991.

Student papers; materials related to grants; etc.

Series 4 - INTERNATIONAL WORK

See also below, University of Saskatchewan.

4.1 Ethiopian Project

Regarding court reform; undertaken on behalf of the Office of the Commissioner for Federal Judicial Affairs, Ottawa.

Briefing Session. – 2000.

Materials relating to cultural values and assumptions, etc.

Ethiopia Project. – 2000-2002. – **Restricted.**

Email correspondence; copy of Schmeiser cv (2000).

Ethiopia – Documents. – 1996-2000. – 2 folders.

Ethiopian Project – Financial Matters. – 2000-2001.

Includes "Report of the Inception Mission to Ethiopia Court Administration Reform, Phase II" together with correspondence, etc., relating to payment of expenses.

General Information on Ethiopia.

Includes Canadian Foreign Service Institution Centre for Intercultural Learning manual prepared for Schmeiser.

[Ethiopia Project] – Interviews. – 2000.

Handwritten and typescript notes on meetings with various individuals.

Ethiopia Report. – 2000.

Box 10

4.2 Maldives

Aide Memoire. – 1997-1998. – textual records, 2 disks.
Second and third draft of report; correspondence.

Asian Development Bank. – 1997-1998.
Includes contracts.

Asian Development Bank. – 1997-1999.
Notes, memoranda and correspondence.

Asian Development Bank – Projects. – 1993, 1995, 1997.
From binder. Includes materials on Lao People’s Democratic Republic; Sri Lanka; Pakistan;

Asian Development Bank – Project – Maldives. – 1995-1997.

Asian Development Bank - Reference Materials. – 1993-1998.
Includes “Law and the Asian Development Bank;” “Strengthening the Legal Framework for Customs Administration;” “Regulatory Framework of the Financial Sector;” “Guidelines for Incorporation of Social Dimensions in Bank Operations;” “Technical Assistance to Maldives for the Further Development of the System of National Accounts;” “Technical Assistance to the Socialist Republic of Vietnam for Lower Secondary Curriculum and Teacher Training Systems Development;” “Proposed structure for the Promotion and Trading of Public Shares.”

Financial.

Interviews. – 1997-1998.
Meeting notes; reference materials; business cards.

Material from Nasheed. – 1998.
Material from Mohamd Nasheed, together with elaborations on terms of reference, notes, etc.

Postsecondary Education Report. – 1998.

Box 11

Report. – February-March 1998.
“Report and Recommendations on a Proposed Loan to the Republic of Maldives Concerning Changes to Legal Education in order to Strengthen the Maldivean Legal System.” Three drafts plus annotated copy with changes.

Report. – April 1998.
Drafts.

Report. – June 1998.

Report – Changes to Report. – 1998.
Various comments and suggestions.

Terms of Reference. – 1997-1998.

Terms of Reference as consultant. – 1997-1999.
Invoices, receipts, notes, correspondence and memoranda.

Tourism Law. – 1995-1997.

U of S International. – 1998-1999.

Whiteway Report.

4.3 Tanzania

Re: Tanzania Financial and Legal Management Upgrading Project (FILMUP) – Legal Sector Component

Tanzania Law Reform Study. – 1994.

Tanzanian Report – Documents. – 1985-1993.
Includes reports of the Law Reform Commission of Tanzania.

Box 12

Tanzania Report – Working Materials.

Tanzania Report – Research.

FILMUP – Legal Study – Report on the Attorney-General’s Chambers and Other Government Legal Offices.

FILMUP – Legal Sector Study – Administration of Justice. – 1994.

Report on the Law Reform Commission of Tanzania and the Law Reform Commission of Zanzibar.
– 1994.

Schmeiser report.

4.4 Zimbabwe

Zimbabwe Constitution – Canadian International Development Agency (CIDA). – 2000.

Zimbabwe Constitution – CIDA Final Report.

Zimbabwe Constitution – Constitutional Documents.

Includes report by Duncan Berry, Commonwealth Secretariat; the African Charter on Human and Peoples' Rights; notes; etc.

Zimbabwe [Constitution] Consultancy: Commonwealth Secretariat. – 1999-2000.

Zimbabwe Constitution – Draft Constitution. – 1999. – 2 folders.

Folder 1 includes an annotated copy with correspondence.

Box 13

Zimbabwe Constitution – Informational Material.

Includes Schmeiser's comments on the draft constitution; plenary statement by Justice Godfrey Chidyausiku.

Zimbabwe Constitution – Provincial Reports.

Reports from Harare, Manicaland; Matebeleland (north and south); Mashonaland; Bulawayo.

4.5 Other International

American Bar Association Central & East European Law Initiative.

Judicial Independence and Canadian Legal System Materials. – 1997.

Background materials and copies of speeches for Russian judges; Kyiv conference.

Kyiv Conference. – 1997.

Kyiv Conference – Planning. – 1997.

Kyiv Conference Research Documents.

Kyiv Conference – Speeches. – 1997.

Latvian Judges – Program. – 1999-2000.

Latvian Judges - Speeches. – 1997-1999.

Addresses by Schmeiser to Latvian judges; and a conference in Kyiv, Ukraine. Materials include photocopies of handwritten drafts; some reference materials; and the typescript of speeches on topics including "The International Recognition of Judicial Independence;" "Judicial Independence, Judicial Management: Role of the Chairman;" "The Structure of the Courts;" "The Concept of Judicial Independence;" etc.

Russia Trip. -1996-1997.

Russian Judges Visit – National Judicial Institute. – 1999-2000.

Russia Trip - Finances. – 1996.

Box 14

Ukrainian Judges Visit. – 1999.

Ukraine Judges Seminar (National Judicial Institute). – 1997.

Ukraine Supreme Court Judges Seminar. – 1997.

Ukrainian Legal System Documents.

Ukrainian Legal Foundation. – 1993-1996.

Series 5 - LAW REFORM COMMISSION OF SASKATCHEWAN [see box 5 constitutional]

A Handbook on the Saskatchewan Personal Property Security Act. – 1987.
Signed.

Annual Reports and Yearly Reviews. – 1982-1986.

Proposals (Published). – 1983-1987.

Many of these are signed. Includes Proposals: for a compulsory mental health care act; for defences to provincial offences; for a guardianship act; for a human artificial insemination act; for a new coroners act; for a survival of actions act; restoring civil remedies lost upon forfeiture under the automobile accident insurance act; relating to ademption by equitable conversion; relating to the change of name of children of divorced parents; relating to guest passenger legislation; relating to joint obligations; relating to the rules against perpetuities and accumulations.

Proposals (Unpublished). – 1985-1987.

Most of these are signed. Includes Proposals: relating to the labour standards act; relating to lis pendens; relating to removal of a certificate of action under the builders' lien act; relating to section 11 of the criminal injuries compensation act; relating to section 63 of the automobile accident insurance act.

Reports (Unpublished). – 1984-1986.

Signed copies. Includes "The Queen's Bench Act – Section 20;" "The Tax Enforcement Act – Section 33;" "The Rights of Parents under the Family Services Act."

Tentative Proposals (Published). – 1984, 1986-1987. – 2 folders.

Many of these are signed. Includes Tentative Proposals: for changes in limitations legislation; for compensation of accused on acquittal; for a frustrated contracts act; for a Lieutenant Governor's Review Board; for reform of the matrimonial property act; relating to testamentary custody and guardianship of children.

Series 6 - PROVINCIAL COURT JUDGES

6.1 General

Canadian Association of Provincial Court Judges. – 1993-1996.

Background materials relating to the question of judicial independence; including Report of the Provincial Court Commission; agreement with the province of Saskatchewan; a Supreme Court of British Columbia judgment; “The Concept of Judicial Independence” by Schmeiser; copies of correspondence from the Centre for the Independence of Judges and Lawyers; an appeal to the Supreme Court of Canada; etc.

Canadian Association of Provincial Court Judges – Address. – 1996.

“The Challenge of Judicial Independence at the Provincial Court Level.”

Canadian Bar Association – Annual Meeting. – 1996.

Materials relating to Schmeiser’s involvement on a panel, relating to judicial independence at the provincial court level.

Fact Finding and the Judiciary. – 1996.

Judge G.T.G. Seniuk and John C. Yuille.

6.2 Judicial Salaries - closed until 2036

Series 7 - UNIVERSITY OF SASKATCHEWAN

7.1 General

Centre for Democratic Development. – 1996-1997.

See also below, University of Saskatchewan International.

Centre for Democratic Development – Workshop. – 1996.

Charitable Donations Committee. – 1975-1995. – 7 folders.

Note: includes one file of material removed and closed.

Council Committee on Sexual Discrimination. – 1975-1976. – 2 folders. – textual records, 3 audio cassettes. – **Restricted.**

Diefenbaker Canada Centre Management Committee.

International Centre for Governance and Development (ICGD) Conference (USI). – 2001.

Kazakhstan Project. – 2000.

Khartoum Project. – 1983-1991. – 4 folders.

Folders 1 -2: Box 17

Folders 3-4: Box 18

Box 18

Khartoum Project – Budget Submission. – 1984-1985.

Khartoum Project – CIDA Correspondence. – 1983.

Khartoum Project – CIDA Sudan Visit – Report. -

Khartoum Project – Trip. – 1988.

Khartoum Project – Khartoum University. – 1980-1992. – 5 folders. – **Restricted.**

Personal information is restricted; please consult with an archivist.

Khartoum Project – Khartoum Visit. – 1983.

Khartoum Project – Sudan - Information. – 1977-1980.

Various pamphlets, maps, etc.

Khartoum Project – Sudanese Constitutional Documents. – 1973-1980.

Khartoum Project – Sudanese Information.

Russian Judges Visit. – 1997.

Russian Legal Academy. – 1997-1998.

Ukhta Lectures. – 1997-1998.

University of Saskatchewan International. – 1996, 1999.

Regarding the potential for establishing a Centre for the Study of Democratic Institutions and Governance at the University.

Box 19

Yeltsin Fellowship. – 1996-1997.

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7.2 College of Law

Civil Liberties. – 1964-1978.

Reading list for public law, civil liberties seminars; case notes, etc.

Constitutional Law Examinations. – 1967-1987. – 2 folders.
Law IA, IIA, 220, 331.

Constitutional Law – Introduction– Examinations. – 1986-1995.
Law 232, 231.

Criminal Law Examinations. – 1960-1995.
Primarily for Law 110 and 204.

Forum / Of Note. – 1980-2005. – 2 folders.
College of Law newsletter; incomplete run. See also University Publications Collection.
Also includes copy of Omnibus, the law student newspaper, and occasional paper “To see ourselves...: 50 Years On” by Bert Schmitt.