

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
May 29, 1980

EVENING SESSION

COMMITTEE OF THE WHOLE

Bill No. 13 — An Act to amend The Saskatchewan Telecommunications Act

Section 1 (continued)

MR. GARNER (Wilkie): — Mr. Minister, do you have that information for me now on the acoustic coupler?

MR. CODY (Minister of Telephones): — Well, Mr. Chairman, I think I gave the hon. member the information just when the House rose at 5 o'clock. I indicated to him at that time we do not rent or lease couplers. They are attached to the piece of equipment which the subscriber owns. So there is no difference in leasing fees or anything like that.

MR. GARNER: — Mr. Minister, you had stated about SED Systems working on this panel. Well, SED Systems is developing a piece of equipment for Sask Tel, is that correct?

MR. CODY: — They are developing a new technology to reduce the line load of multiparty lines. That is the piece of equipment they are presently working on. It has nothing to do with anything else, just multiparty lines.

MR. GARNER: — And that's all?

MR. CODY: — That's all, nothing else. I gather that's all. We don't know of anything else.

MR. GARNER: — Thank you, Mr. Chairman. I think we can prepare to vote on item 1.

Section 1, Bill No. 13 agreed to on the following recorded division:

YEAS — 19

Bowerman
Smishek
Romanow
Messer
McArthur
MacMurchy
Mostoway

Banda
Kaeding
Hammersmith
Byers
Vickar
Cody
Matsalla

Long
Johnson
Thompson
Poniatowski
Collver

NAYS — 14

Bernston
Birkbeck

Rousseau
Swan

Katzman
Duncan

Larter
Lane
Taylor

Pickering
Garner
Muirhead

Andrew
McLeod

Section 2 agreed.

Sections 3 to 5 agreed on division.

Section 6

Sections 44.2, 44.3 and 44.4 as amended agreed on division.

Section 44.5

MR. GARNER: — This original motion of the governments goes a very small way, just part of the way. It doesn't address a problem that's at hand here. It waters the bill down, but in a very small way. It still leaves the government with far outreaching powers in its complete control of telecommunications in Saskatchewan. The monopoly system that it wants just confirms this.

So, Mr. Chairman, I'll be moving a subamendment, seconded by the member for Arm River (Mr. Muirhead). That subamendment is:

That the amendment be amended by striking out all the words after 'prevent' in the first line and substituting the following therefor:

- (a) competition in the manufacturing, distribution, leasing, sale, maintenance, or use of computers or related equipment, or (b) the connection of any attachment to a telecommunications line of the corporation.

MR. CODY: — Mr. Chairman, I'm just going to briefly comment on this amendment and then allow it to go to a vote. Really, I see very little wrong with (a) of the amendment. But I certainly do see a lot wrong with (b) of the amendment — (b) simply negates exactly what we were trying to do, and that was disallow connections to be made unless we had specific regulations to allow then. This amendment simply would . . . (inaudible interjection) . . . Mr. Chairman, the (b) portion of 44.5 of the amendment says:

The connection of any attachment to a telecommunication line of the corporation. (And it says prior to that): No regulation may be made to prevent . . .

That means you could not make a regulation to prevent the connection of any attachment to a telecommunication line of the corporation. Well, that's exactly what we are trying to get at in this bill. We do want to disallow the connection of certain kinds of things. Only those things can be connected which are in our regulation or have our explicit permission to be connected.

I think I don't have to rehash the debate here tonight on the reasons Sask Tel needs to have this particular amendment, because I believe everyone clearly understands exactly what we are trying to do and that is simply to disallow certain items to be hung on to our lines unless they are in our regulation. If they are in the regulation, they are

quite permitted and we will allow them to go forward. Therefore, Mr. Chairman, I would urge the committee to vote against this particular amendment.

MR. GARNER: — Mr. Minister, you stated that section (a) was O.K. I mean, we asked for, 'or related equipment.' Now you addressed us in this Chamber that there were going to be some other House amendments. Why does this amendment bother you so much? Is it because it comes from this side of the Chamber? Is that why? That's exactly why.

That's why it makes it very difficult to bring amendments in to any bill in this House, because it is almost a waste of time. Now that's a heck of a thing to say but you know, this is why they hollered, and I've heard them hollering for two weeks. Where are the amendments? We have to try to manipulate this government over here, to let them think that it's their idea to bring in the amendments because they won't accept a good amendment from this side of the Chamber. It has to come out of those little minds. That's just the way this system works.

We can bring in a good amendment from this side. But no, we have to manipulate it to let them come up with the brain wave, let them come up with the bright ideas. They won't accept a good amendment from this side, Mr. Chairman.

This is another demonstration of this government flipping and flopping around. Mark my words, the people of Saskatchewan will suffer from the moves this government makes here tonight. Mr. Chairman, we have brought forth this amendment; we have other amendments. But it seems very clear to me (and we have another couple of good amendments, even though I'm afraid to say it) that it's going to be a waste of time. Because unless it comes out of one of the backroom offices over there, from one of the technocrats, it won't be accepted. If it comes from this side of the House it won't be accepted.

So all we can do in opposition, Mr. Chairman, is try to present the people's case. We can present amendments for their benefit. We have presented them to the government. It is the government opposite that will not accept them.

MR. CHAIRMAN: — Order, order.

MR. CODY: — Mr. Chairman, I don't want to prolong the debate. However, I think it is worthy of making a bit of an explanation as to what the member indicates to me, and he indicates that we will not take a good amendment from the opposition. That's simply not the case. The amendment in this particular instance is an amendment which completely negates exactly what we were trying to do with this bill. Let me just read . . . (inaudible interjection) . . . It has zero to do with what your second one means. Well, let me read from the original amendment 44.2, and basically what it says is that no person shall attach or connect to, or use in conjunction with, and part of a telecommunication line of the corporation, any attachments unless it's in the regulations or specifically permitted.

That's what the bill really wants to do, O.K.? Reading your amendment, it says:

No regulation may be made to prevent the connection of any attachment to a telecommunication line of the corporation.

It completely takes away exactly what we wanted to have in the bill, so it's pretty obvious that we cannot allow the amendment to pass. As I said, (a) of the amendment doesn't

look that bad. But certainly (b) completely does away with the principle of this bill and the principle simply is that we do not want anything connected to our lines unless they have either written permission from us or the attachment will be in the regulations. That's all we are asking here; so we don't want it watered down by now saying you will prevent this kind of thing. So it's pretty obvious that I don't think the committee can possibly vote for this amendment.

MR. J.G. LANE (Qu'Appelle): — I would just like to say to the hon. minister, that of course it can't negate because then it would be out of order so your initial statement is not accurate. Secondly, we have had the commitment that the government was not intending to do away with competition. That was the assurance although the interpretation of the bill by anybody else indicates that's not what the bill says.

So the government then brought in an amendment to give the assurance that they wouldn't do away with competition in computers. But the opposition amendment merely extends the fact that the government should not do away with competition. Your statement very simply is that you are prepared to give some assurance that you won't do away with competition in computers. We are trying to extend it to the other areas. You won't give that assurance. That's all that amendment does. You can't say that it negates everything you have done when it has been ruled in order. You can't have an amendment that negates the motion. That's a long standing rule of this House. You have been around occasionally, (on and off) for some time.

The difficulty you are going to have is that if, by mentioning computers, you set up a monopoly on automatic diallers or telephone answering receivers or whatever, and someone challenges that in the courts, the courts are going to say — well, the legislature had the opportunity to add to the list of items and because it refused to do so, by implication the legislature was allowing Sask Tel to have a monopoly on these other items. That's what your amendment does. That's why I criticized the amendment of the Leader of the Unionist Party this afternoon, because it did the same thing; and that's a matter of statutory interpretation. I say to you that all this amendment does is put in the act a guarantee of all the assurances the government opposite has given for the last few months.

MR. CODY: — Mr. Chairman, it's obvious I won't be agreeing with the hon. member. As much as I would like to agree, I just can't agree because it simply does not then allow us to do the job which has to be done. We don't agree with you. We have indicated we will allow the computer amendment to go in — not that I'm wildly crazy about it either — so the members opposite could in fact vote for this bill. I decided O.K., let's allow it. So we allowed the thing which they were saying was giving them the most problem, and that is the computer industry.

The computer industry, I understood, was giving you the most problem. Well now they're indicating, oh, it's not the computer industry that's giving us the problem. It's not the people from CIPS (Canadian Information Processing Society) and the rest of these folks. No it's not. It's all the other attachments. It has something to do with diallers and what have you. I don't agree with you, I just don't agree with the hon. member. It is simply going to take away the powers, which I think we need, in this bill and which I believe we should have in this bill for the protection and the integrity of our system and for the protection of the public of Saskatchewan.

MR. GARNER: — Mr. Minister, it is quite obvious you're not going to accept our amendment the way it is right now. Would you not put on your own amendment, 'or any

related equipment'. Now, come on. Meet us halfway. 'Or any related equipment' — I'm not trying to be tough about this. I'm asking for four words — 'or any related equipment'. That's not going to take much away from you, Mr. Minister, would you respond if you could just put that in?

MR. CODY: — Well, Mr. Chairman, once again no, I cannot put that in. What the member is trying to do is make me change this bill so it has no relevance any more. What he's really saying is that we want you to have competition. We want no competition with regard to telephones. I don't want competition in telephones. That's a monopoly system and we're proud of it, and we're keeping it that way. There's no question about that. I believe we should have that right. They have the right in Alberta; they have the right in Manitoba; and I think we should have the same right here.

If I were to now say, oh yes, fine, the amendment's great, let's get out of this committee and pass the bill with that amendment, then we would have sat here for days and days and days and done absolutely zero for the people of this province. I think it is just not acceptable to even change the amendment to what the hon. member now says.

Subamendment negated on the following recorded division:

YEAS — 14

Berntson	Taylor	Muirhead
Birkbeck	Rousseau	Katzman
Larter	Swan	Duncan
Lane	Pickering	Andrew
	Garner	McLeod

NAYS — 24

Bowerman	Kaeding	Johnson
Smishek	Hammersmith	Thompson
Romanow	Byers	Poniatowski
Messer	Vickar	Lingenfelter
McArthur	Cody	White
MacMurchy	Matsalla	Solomon
Mostoway	Lusney	Collver
Banda	Long	Ham

Section 44.5 agreed on division.

Section 6 as amended agreed on division.

Section 7

MR. P. ROUSSEAU (Regina South): — For two days now we have been trying to point out to the government the question of the validity of this particular bill. For some reason they have refused to listen. For some reason they have quickly and irresponsibly, in our opinion, moved an amendment to their bill that in my opinion makes it even worse than

what we had before. The government opposite is renowned for passing legislation in this Assembly that at some point becomes questionable in the courts of the land. It has happened to you before, Mr. Attorney General. You have been embarrassed by the kind of legislation you brought in. The Supreme Court of Canada has ruled against your particular legislation of the time.

Mr. Chairman, we, on this side of the Assembly, still consider this a very repulsive bill. The government should certainly give serious consideration to having this bill tested in a court of appeal in the province of Saskatchewan.

Having said that, Mr. Chairman, I move, seconded by my seatmate, the member for Rosetown-Elrose (Mr. Swan), that section 7 be deleted and the following substituted therefor:

That the Lieutenant-Governor in Council be and is hereby directed pursuant to the provisions of the Constitutional Questions Act to refer to the Court of Appeal of Saskatchewan for hearing and consideration the matter of the constitutional validity of Bill No. 13.

And in that section it is not out of order, Mr. Attorney General.

MR. CHAIRMAN: — Order. We're dealing with section 7 of the bill to which an amendment has been offered by the hon. member for Regina South. I refer hon. members to my ruling yesterday dealing with substantially the same motion. I said then that this type of motion was out of order. The reasons I outlined yesterday, I think in some instances, still apply. I should say to the hon. member (as I said yesterday) that this type of motion would be more properly dealt with in second or third reading of the bill. I, therefore, rule the motion out of order. The hon. member for Wilkie.

MR. GARNER: — Well, Mr. Chairman, it look as though we're down to the home stretch. Looks like this is the last one. We tried before. Here's one more amendment, Mr. Chairman, for the people of Saskatchewan to retain a little bit of freedom, a little bit of individual rights, and stop a socialist government from steamrolling over them and controlling their telecommunications in the province. Mr. Attorney General, you'll live to regret this bill, so help me.

Mr. Chairman, we've said it all before; there's not much point in repeating it again. This government is not going to listen. They won't accept this amendment, because it doesn't fit in with their little socialist plan.

Mr. Chairman, I move seconded by the member for Bengough-Milestone (Mr. Pickering), to strike out section 7 of the printed bill and substitute the following:

5.1 — Subject to subsection (2) this act comes into force on a day to be fixed by proclamation of the Lieutenant-Governor.

5.2 — No proclamation may be issued under subsection (1) until after the conclusion of public hearings by a special committee of the Assembly.

Mr. Chairman, there it is. I've already sent a copy to the Clerk. That's it, Mr. Chairman. It's up to the government now to tell the people of Saskatchewan that they don't have a

right to have input into legislation being brought about in this province.

SOME HON. MEMBERS: — Hear, hear!

MR. CODY: — Well, Mr. Chairman, again I think it shows us that the Conservative opposition simply does not want to have the protection the subscribers of Sask Tel and the people of Saskatchewan need.

SOME HON. MEMBERS: — Hear, hear!

MR. CODY: — Mr. Chairman, the member for Wilkie just went on to say to the Attorney General, you will live to regret this bill. Well I can tell you if this amendment passes, all of the people in Saskatchewan will live to regret this bill. That's what will happen. There's little question about that.

The hon. member asked, is there anything wrong with having hearings? Well, I'll tell you what's wrong. We need this legislation now; we can't wait. You people have had six months to stir up the public, which you tried to do. That's exactly what you did. There's no question about that, and Mr. Chairman, there's no question but that the members did stir up the public. But they've had the bill in this House since December. Are you telling me we need to wait even longer to have public input? Certainly we don't need more than four or five months to have public input? Certainly we don't need more than four or five months to have public input. We've had all the public input that's necessary, I think. We have listened to the public. I've had meetings with people — that's what prompted the amendment. I had meetings with the credit union and with Saskatchewan Wheat Pool, with the Co-operators, with Federated Co-operatives, and I can tell you that those people asked us for an amendment and we adhered to their wishes. That's what we did.

They asked us to take out of tariff and put into regulation those attachments which were allowed, and we did just that. I think, Mr. Chairman, that shows we were listening to what the public was saying. We did listen to them and we did put some amendments in. Today, we heard the member for Nipawin ask for an amendment. Again we heard. Because he was looking for something, we allowed an amendment to go in.

Mr. Chairman, in Crown corporations the members had their opportunity. There's no question about that. They grilled me on a bill which had nothing to do with the annual report whatsoever; but I answered as many questions as I was able to. I can tell you, at no time did they come forward with a concrete amendment. It is just today that they brought in their first amendment; and Mr. Chairman, I, at least, in second reading gave the hon. member for Wilkie a couple of amendments indicating what we were going to do. I really believe we have bent over backwards to help the opposition make this bill, and if they thought it wasn't palatable to make it palatable for them. That is exactly what we have tried to do.

I don't believe it's necessary to have another full-blown type of investigation or hearing or you name it, because I think the legislation is good as amended. I don't think there's any need to have further hearings, Mr. Chairman.

Amendment negatived on the following recorded division:

YEAS — 14

Berntson	Rousseau	Katzman
Birkbeck	Swan	Duncan
Larter	Pickering	Andrew
Lane	Garner	McLeod
Taylor	Muirhead	

NAYS — 27

Bowerman	Banda	Long
Smishek	Kaeding	Johnson
Romanow	Hammersmith	Thompson
Messer	MacAuley	Poniatowski
Baker	Byers	Lingenfelter
McArthur	Vickar	White
Shillington	Cody	Solomon
MacMurchy	Matsalla	Collver
Mostoway	Lusney	Ham

Section 7 agreed to on division.

The committee agreed to report the bill as amended on division.

The committee reported progress.

ADJOURNED DEBATES

SECOND READINGS

The Assembly resumed the adjourned debate on the motion by the Hon. Mr. Cowley (Provincial Secretary) that Bill No. 105 — **An Act to amend The Legislative Assembly and Executive Council Act** be now read a second time.

MR. R.L. COLLVER (Leader of the Unionest Party): — Mr. Speaker, I would be happy to get under way when the members have concluded their discussions in the Chamber.

I was most interested today, Mr. Speaker, to hear the comments in the speech given by the member for Estevan and also the words issued by the member for Wilkie about being freedom fighters for personal freedom and personal liberty. Well for what it's worth, for the member for Estevan and the member for Wilkie and other members in the caucus to my right and members opposite, Bill No. 105 is an attack on personal freedom. Bill No. 105 is an attack on the right of people to associate and the right of people to have ideas, whatever those ideas may be.

Mr. Speaker, that is the point I have been trying to make in the past, and I will attempt to elucidate for the members some of the reasons why I believe that bill is an attack on the right of association, is an attack on the right of the free speech, and is an attack on personal liberty.

First, Mr. Speaker, I want to comment a little bit about money. The members to my right, especially the member for Qu'Appelle who has yet to sit through one moment of the

debate on Bill No. 105, (extremely concerned the member for Qu'Appelle has been in front of the press, extremely concerned) to hear the reasons why we believe this is a repressive piece of legislation, have talked about money a great deal. They've said the reason they're bringing in this bill is in order not to provide money to the Unionest Party because they didn't run in the last election, which is absolute and utter nonsense.

It's nonsense, Mr. Speaker, and I'd tell them even after they passed this bill how nonsensical it is. If the member for Swift Current and I, instead of saying we were becoming members of the Unionest Party, had said we were going to become members of the Liberal Party, and even if the Liberal Party rejected us we still, in so far as this House is concerned, would be members of the Liberal Party because we've said we are. What is the government or the members to my right going to do when, after this bill is passed, the member for Swift Current and I decide to show what a sham this act is all about, and announce to the press that we'll become members of the Liberal Party for purposes of this legislature? That's how silly this bill is; that's how stupid it is.

But even beyond that, they talk about money. I'm going to tell them today, tell the people in this Chamber and tell the people of the province of Saskatchewan, money is not the issue and here's why.

I, today, have instructed the Clerk of the legislature to place into a special bank account every dime that the Clerk of the legislature pays to me personally. The said trust account is to be turned over to the United Community Fund of Nipawin, every dime.

And I'm further instructing this legislature tonight that I am going to commit that account. I give my word as a member of this legislature and I will write it in whatever trust agreement is requested from any member of this Assembly. I commit that as long as I am a member of this Legislative Assembly that money will be transferred to the United Community Fund of Nipawin — the united fund, the United Way — to serve charity.

The issue in this bill is not now money. The issue in this bill is whether individuals in this legislature have the right of association, have the right to associate as they see fit. That's the issue in this bill — whether a member of this legislature, as a free citizen of Canada, can stand up and say, I believe our country is breaking up. I believe it would be in the best interests of our citizens to look elsewhere for a union, because our union is falling.

Now it might interest the members of this legislature to know that those very same statements, those identical statements, were made by John A. MacDonald to the people in Britain. The union is failing, he said. The colony is failing. Our people are unhappy; they're dissatisfied. They want a different deal, a new deal. That's what John A. MacDonald said. That's what Cartier said in legislatures in this very country at the start.

Did the people in Britain brand those people traitors? Did the people in Britain attempt to use the power of the throne and the power of the monarchy to step on those legitimate aspirations of those men? No, they said if that's what the people want, then you have a go at it. You put the people together and they'll decide. That's what the legislature in Britain said and that's what legislatures all over the British Commonwealth have been saying for hundreds and hundreds of years.

Is this legislature going to make a change? Are they going to change that? Are they

going to say, or attempt to make political hay, because we are presenting a cause or an issue with which most of the members of this legislature do not agree? Is that what they are going to do? Are they going to say that the legislation written by them, themselves, not one year ago, is somehow deficient? One year ago it was acceptable that two members of this Chamber, if they belonged to a legitimate party recognized by the electoral officer of this province, could form a caucus, and grants for research, secretarial help and other grants would be made. Are the members saying we do not make a contribution to this Assembly? Are they saying we don't need secretaries to do our work here? Every other member of this Chamber gets a secretary but we do not as a party — is that what they are saying? Are they saying that the people who brought forward priority of debate on the dairy strike are not doing their job as legislators and are not acting for the people? Are they saying that the people who brought in an amendment today, which you have been fighting about for five months, are not doing their job on behalf of the people? No, they are not saying that.

They are not saying, Mr. Speaker, that the legislators aren't doing their job. They are not saying that party is not entitled to have some research and some secretaries. Oh, no. They wouldn't dare say that. They wouldn't dare say they should have some office supplies provided. Why? Because they people in this province know that is false and that what it boils down to is a legislature which will bring forward legislation because of the way people think, because of the ideas they present that are repulsive to their constituents. If I have had one member of this legislature, from both the Conservative Party and the NDP, I have had 10 say to me, I can justify my actions on this bill. My constituents would accept it. My constituents would be proud of me.

I say to you, Mr. Speaker, there are area sin the province of Saskatchewan where native people are held in disrepute. I say to you, there are constituencies in this province which would like nothing better than a government to come along and take away grants to native people because they're natives — so they couldn't drink, so they won't get into trouble, they would say. Would any responsible legislator suggest that rights should be removed from natives because they are unpopular in your constituency? Not one. Because, Mr. Speaker, they would be accused of racism. They don't like that word; nobody likes that word. So somebody says, you are a racist.

What is the word when you do exactly the same thing to someone because of the way he thinks? What is the word defiling those people, which makes them feel bad? There isn't one; everybody in this country and in North America thought this battle had been fought and won centuries ago. Your constituency association says, we don't want him any more. We don't like the way he thinks.

I will give you another one; this is terrific; we don't want to give any money or use our tax dollars to support a group who wants to break up Canada. Now, Mr. Speaker, at no time has the member for Swift Current or I or anyone who supports the Unionest Party said we supported the break-up of Canada. What we said was, Canada is breaking up. That's what we said. Mr. Speaker and others might be interested to know why I don't comment on Mr. Lalonde's faux pas or why I don't comment on Mr. Trudeau's faux pas. Because I think it's worth a try. I don't want to be a contributing factor; the member for Swift current doesn't want to be a contributing factor to the break up. We merely say it's going to happen, and is happening. Before our very eyes it's happening. And we say we want to present an alternative. The people decide the alternative, not this legislature, not the Executive Council, and certainly not the members to my right. The people decide.

Now, Mr. Speaker, that kind of thinking is unacceptable in a free society. There is no way you can remain free to think as you wish, to associate with those who think as you do, if a government, if a legislature, can use the power of the majority to prevent you from doing so. Well, Mr. Speaker, the passage of this bill won't prevent us from presenting our ideas. It won't. It won't prevent us from presenting our ideas in any way. It interferes with our ability to act as members of the legislature.

The Premier himself, both in this House and outside, has said it is logical for people to associate into a party because our system lends itself better to those who are in a party than to those who are not in a party. He said he wasn't surprised. And he's right. If we, as members of this legislature, are to do the job for which we are elected, and that is to represent our constituents' views on as many issues as we can, why is the legislature saying to us that you can't have the secretaries and research people that other members of the legislature can have, even though we have complied with the rules, even though we have complied with the laws, even though every single law that exists in Saskatchewan we have not broken?

The member for Qu'Appelle who is always noticeably absent during this particular discussion suggested yesterday and today that somehow because of his own shortcomings, because of his own inability to present his case on one issue, that we'll have to muddy the water, stir it up a bit. Mr. Speaker, I am afraid it made me very sad to see what happened yesterday between hon. members of this legislature. No organization, business, corporation, association, union or any other group of people can survive only with the written word. There comes a point in time in every organization when it is necessary to give your word and keep it.

Mr. Speaker, I'm going to describe an event which happened about 10 days ago pertaining to this bill and others. I'm going to describe it in detail, knowing I commit perjury if I tell a falsehood in this House.

The Attorney General of the province approached me and said, I want leave to introduce a bill for two morning sittings. I said to him, no, I won't give it and I'll fight you because all you're trying to do is to have me put in more hours on Bill No. 105, so I will tie that bill right into Bill No. 105, and I will say the reason I'm objecting is the same reason I'm objecting to this, because that's the only reason you're bringing in these extra morning sittings. He said to me, that's not true. We want them to get through the business of the House. He then left; he came across the floor of this Chamber, and he and I and the Leader of the Opposition, (the member for Souris-Cannington) went outside that door, where he said, we want to have these morning sittings. I said, I told you what my word was on that. I will not give leave because all you're trying to do is make me have to talk too much on Bill No. 105. The Attorney General said, I give my word that bill will not be brought in before 3 o'clock.

Mr. Berntson was there; the Attorney General was there, and I was there. The Leader of

the Opposition said, I'm going to discuss it with my caucus and let you know. The next day, or that day, the Attorney General asked for leave. I gave it; the members to my right gave it; leave was granted, and morning sittings were added. Mr. Speaker, the members to my right knew that. Why then, yesterday, did the member for Qu'Appelle rise in this legislature knowing that agreement had been reached by men of their word, (nothing in writing, no great agreement that led to the House, just an agreement between honorable men) and try to embarrass the Attorney General for not bringing in Bill No. 105 when in fact, he gave his word outside this Chamber that he would not do so before 3 o'clock in order to get morning sittings? Why, when they agreed?

Mr. Speaker, I say to you, is that what the world is coming to? Is that what we have to come to — that everything which has to be done has to be done by contract? Or is it something else, Mr. Speaker? Is one member of my former party attempting to use his position to drag out the proceedings of this House, to emphasize that the new leader who is the leader, is not here? Is he trying to drag it out to embarrass the new leader? I ask that question. I ask that question myself, Mr. Speaker, because I could not believe, yesterday, the words of the member for Qu'Appelle in this House when the solemn word of the Attorney General was given; my word was given, and the word of the member for Souris-Cannington was given that he would not block that leave.

AN HON. MEMBER: — Do you remember a written deal I had with you?

MR. COLLVER: — Well, we won't go into past history, Mr. Speaker, because I'm sure you would rule me out of order, but I would dearly love to go into that one.

AN HON. MEMBER: — So would I.

MR. COLLVER: — Mr. Speaker, the point is that this legislature works and operates on a modicum of trust. It works and operates on people's word. If they give it and back down from it, then it collapses. It must collapse. I couldn't believe it myself. I quite simply couldn't believe it.

Now, Mr. Speaker, I want to draw the attention of the members of this Assembly to a couple of other items before I start supporting some of my arguments with things that other people have said.

First of all, I want to ask this Assembly, how do you explain (and I mostly ask the government members this) Mr. Larry Brown, the president of the SGEA (Saskatchewan Government Employees' Association), running all over the province saying government will pass retroactive legislation to get to Collver (these are his words, not mine), but they won't pass retroactive legislation to help the labor movement?

Now, I don't happen to believe those are the same issues at all. But how do you answer that? What do you say when that comes up? Do you say it's not the same issue? He continues saying it. He runs all around the province saying you can pass it to get to Collver, but you can't pass it to help us.

I don't know how you answer it. Perhaps the best answer would be, since money is no longer the issue, (surely it can't be), withdrawing the bill from the floor of this House. I suggest you answer the members to my right, who say they can justify it to their constituents, by saying, you'd better not have to justify it to your constituents. I know people, a few, in the province of Saskatchewan. I certainly know some of them who helped to build the Progressive Conservative Party. Mr. Speaker, although they do not

support the Unionest cause and do not wish to become involved in the Unionest cause, they do not support a party that would stand for the withdrawal of human rights.

I'm sure you have heard from some of them because I've heard from some of them and told them to go back, get to work, become the Government of Saskatchewan, and stop worrying about what people in that party wouldn't do.

Yesterday I was a little shocked at the display of the member for Qu'Appelle. I must tell you. I'm afraid that if that attitude is allowed to remain and allowed to prevail, there are some whom you're going to lose whom you can't afford to lose. You're not going to gain anyone from it. If you think there are people out there whom you're going to gain by supporting an attack on your fellow legislators, which is what this bill is all about (not supporting an attack on your fellow legislators, which is what this bill is all about (not money any longer because that's going to the community fund in Nipawin as of tomorrow, so that the member for Qu'Appelle knows what's happening to the dough) . . .

As far as anything for secretarial and research staff is concerned, I can assure you I am prepared to fight that here, out there and anywhere, because I think I make a contribution as a legislator and I think the member for Swift Current makes a contribution as a legislator. We are a legitimate party in Saskatchewan because you're not changing the electoral act. We are a legitimate party. You can't remove that. By definition in your own act, we are a caucus and therefore entitled, the same as every other caucus member in this Chamber, to appropriate research and secretarial help to do our jobs in this Chamber.

Now, nobody can say out in the boonies or in your constituency or anywhere else that you are providing money to help divide Canada, because we are not entitled to use the moneys provided for research and secretarial help to help promote a party interest outside this Chamber. You know that. We all know that.

So that's not the issue any longer. What is the issue on this bill? Is it as stated by the member for Biggar that the bill was somehow deficient before? I wonder how many members remember the debate on that bill in the last session, and the negotiations that went on in the last session in 1978-79.

Surely you're not all so forgetful you don't remember the weeks and months of backroom and front room participation by the member for Rosthern and the member for Regina and the member for everywhere. Do you remember, Mr. Speaker? I am sure every member of this Assembly remembers.

It took weeks and months to create that bill. It took weeks and months to negotiate sufficient research funds for the caucus, sufficient secretarial help for the caucus, sufficient moneys (according to the members which I listened to) to make sure that MLAs could be well paid. I didn't support the increase. You will recall that, I am sure, as will every other member of this House.

I say to the Attorney General who wants desperately to get into this debate that I'm looking forward to his entrance, whenever that may occur, with enthusiasm.

But I say to you that during those wonderful negotiations over weeks and months, (it was after the last election) the very same members since 1978 passed a law. They said there's the law — The Legislative Assembly Act and The Executive Council Act. After weeks and months of negotiations, discussions and debate in this Assembly, there's

the law.

Now they say, we were deficient. Who's going to believe that? That's not the reason. So get up front with the reason. Say the reason you want to pass this bill on the part of the NDP and the part of whatever Conservatives are backing it. It's hard to say at this point whether it's the whole caucus which gets behind the member for Qu'Appelle or whether there are a few of them who think for themselves in the terms of freedom and free issues.

I ask you, who is going to believe that these very same legislators who passed it last year didn't think that two members of this Assembly would join a party and become the third party in the legislature. That's precisely what they thought. That's exactly what's in the bill, after weeks and months of discussions.

I want to draw your attention to one other thing because I want to use it as an analogy for the benefit of a writer for the Leader-post, who unfortunately isn't here. Now, in no way, Mr. Speaker, am I calling attention to, discussing, getting made at or drawing any inferences about your decision. The reason I want to bring this matter up is because I want to show what the rule of law means to me.

The rule of law means to me that you abide by the law whether or not it helps you. If the law hinders you, you work to change the law. The analogy I want to draw is one I drew to Mr. Speaker's attention some time ago. As I say, I'm not questioning his decision or questioning the Chair, but it was pertaining to question period. The rule was in the book. I believed that the rule is the law, like the law written in this bill or in the previous legislative assembly act. That's the law. If you don't like the law, change the law. But you don't take a position that . . . We should have gone to the rules committee and got it straightened out, but I'm going to make this interpretation. I'm not questioning, I'm talking about the way I believe the law should be interpreted. I believe the law is the law and if it doesn't help you, you must still call attention to the law. And the reporter from the Leader-Post (because I did want to mention it) mentioned that he couldn't understand why anyone would call attention to this question period situation because, in fact, question period is on behalf of the opposition. And why would you call attention to a rule which does the opposition in.

The reason, Mr. Speaker, is because I was trying to emphasize that I believe in the rule of the law. And I believe in the law of the rules. We chose the law. Ah, now, Mr. Speaker, the member for Moosomin thinks I've been hoisted on my own petard here. He thinks that I led into this with my chin and that I wasn't ready to say, if you don't like the law, change the law. Well, if you're anxious to get to a conclusion of Bill No. 105, Mr. Member for Moosomin, in keeping with the feelings of the member for Qu'Appelle and whoever else is advising your group at this particular juncture, I only say to you, if you're happy to get along with it you better be prepared for a fairly lengthy wait. Mr. Speaker, of course the law is the law and if you don't like the law, you change the law. And that's why this legislature sits.

With reference to Bill No. 105, the NDP has said it didn't like the law. But the question is, when you go to change the law, you have to say why you don't like the law. Why don't we like the existing law? Has that been answered yet? No. The answer given was, the bill was deficient; the bill the same group in this Assembly made not a year ago — that bill was deficient. Why don't you like the law? The only reason that any reasonable human being could put forward, Mr. Speaker, is that it's not the law in this case they don't like, it's the thoughts and ideas of the member for Nipawin and the member for Swift Current.

I've heard it said by some, oh, we're just reflecting our constituency, that's the way they feel. You only have 4 per cent or 6 per cent or 10 per cent of the people, whatever the number is (you may listen to one radio station or another and the various polls), you only have that much out there. The Indians of Saskatchewan are only 15 per cent and they're very unpopular in some areas, not by the way of their own making, but very unpopular. Would any responsible legislature attack that? I could name other minority groups that are horribly unpopular — horribly! Do you know, Mr. Speaker, that for a number of years — thank God it's changed lately — people with cerebral palsy were looked upon as mentally deficient and were put into institutions by society. Have we not come past that? There are people in this world, Mr. Speaker, who believe that cerebral palsy victims are so repulsive that they'd do away with them. They would push them out of the way because they don't want to look at them.

Now in that case it's their physical attribute but in this case it's what you think. And that's even more dangerous. Every member of this legislature, if he's living up to his conscience, at one time or another, will have to stand up for a minority opinion. Every human is like that. There are times, if you have any courage and any guts and the courage of your own convictions, when you have to stand up and be counted. You have to stand up and say, I believe in this.

Is that what we're attacking here? Because members of this legislative Chamber, in their very own Chamber, have said that I believe this is true; I believe this is happening and therefore we should look to this alternative. If it's the wrong alternative, Mr. Speaker, the people will reject it.

If events unfold in Canada and Canada can solve its problems, the people will certainly reject the concept. But we believe that you don't wait until the ship has sunk. When the ship hits the iceberg and you know or you believe it's going to sink, you abandon ship, especially the women and children.

But we're not even abandoning ship, Mr. Speaker. We're staying here to present those ideas to the people to say, if the ship sinks, we believe that this is an alternative you should examine now. We are not waiting for it to sink.

If all the rest of the members of this legislature are so desirous, so enthusiastic about keeping Canada together, may I ask you this question? Why would an opposition member want to call attention to divisions before they even sit down to talk?

I say to you that will continue. The member for Swift Current and I both believe it. That kind of process will continue. We believe that oppositions will still call attention (before they even sit down to talk) to the deficiencies of one side or another. By the time they get there, they're so far apart that they'll never get together. And if they don't get together, people will split. We believe that; we believe it's come too far and it's gone too far. We don't believe that it's salvageable. But are we any less free citizens of Canada because we believe that?

Or, Mr. Speaker, are we merely passing along the ideas and views of a great many people out there who say, yes, but why can't we give it a try? Shouldn't we try? Well, to those people who believe they should try, let them try. We're not going to stop them; we're not going to argue against them. If they believe that they can try to do it, then more power to them.

Would you suggest that a legislature anywhere should make that decision for me or for the member for Swift Current; or should say that even though you complied with the very law we wrote less than a year ago, that you are any less a member of this legislature and entitled to whatever support staff you can have from this legislature? Would anybody suggest that? No. But that's exactly what it does, Mr. Speaker.

Now I haven't been very happy if you'd like the truth, Mr. Speaker, about sitting around this Chamber for the last 9 or 10 days. I mentioned last evening in committee that on a minute by minute attendance basis, I've probably been the best in this Chamber in the last 9 or 10 days, because minute by minute that one of mine was coming up. It was on the list every single day.

I was assured we'd get to it. I kept thinking, oh, the House Leader wouldn't do that. He wouldn't put all this stuff on the order paper just so the only time I get to speak on Bill 105 is at 9 or 9:30 at night when the press has all gone home and I can't get my message out. He wouldn't do that. That's his right as House Leader. I suspected it from time to time but I never had a chance.

For the last nine days it's been on the paper and every day I wait, sitting here looking. Is it coming? Oh, yes, yes. Are you guys going to talk some more? Oh no, no. I wait till 10 o'clock at night. It's a fact . . . (inaudible interjection) . . . Yes, 7 o'clock, then 8 o'clock, then 9 o'clock, every day. It's been relatively tiring, Mr. Speaker.

I realize . . . (inaudible interjection) . . . You know, the member for Bengough-Milestone is saying, who's dragging his feet now? Well I'll tell you about dragging feet. This bill in fact is a very simple issue. It's very straightforward. It is an attempt by a government to use the power of the majority to thwart the aims, ambitions and ideas of individual members of that Assembly even though they have complied with all the laws. That's what it is. But, Mr. Speaker, it is so much against the fundamental freedom of speech, it is so much against the traditions of parliament, that we have to refer to what others have written about it.

So much has been written on this, Mr. Speaker. The member for Bengough-Milestone, I know, will want to pay attention, and all of the other members in this Chamber will want to pay attention, because so much has been written on this very point, on this very issue about freedom of speech and freedom of association and the rights of man. I have here a book, *The Logic of Liberty*. This entire publication is right on the point, even the title, *The Logic of Liberty*. That's what we're talking about. That's what we're dealing with here. It's only one publication that has to be drawn to the attention of every one of the members of the legislative Chamber.

Now, Mr. Speaker, here's another one. I'm just alerting you that these are all important. I'm sure you'll agree when I begin supporting the arguments I've been making. I've had to make the arguments first, since I get on so late at night, so whoever's left up in the press gallery might hear the arguments. After that we can support those arguments with documented evidence.

Here's one that is terrifically to the point, Mr. Speaker. It's called, *Thomas Jefferson on Democracy — The immortal Writings by America's Architect of Freedom*. Many of the people of Canada and of Saskatchewan believe there is a similarity between the rights in the United States of America and the rights we have in Canada. In fact many of our rights grew from the rights produced in the United States. So in order to understand

what those rights are, you'd better hear it from the very first source, Thomas Jefferson. I intend to draw from the writings of Thomas Jefferson because they are right on the point, because they talk about the rights of association, the right of free speech, the right of people to think for themselves.

Now another publication, Mr. Speaker, that I wanted to draw to your attention, is this one. These Rights and Freedoms. It's a text that's written on the United Nations. I might even start with this one, because the United Nations I think, especially for the members opposite, is one of the . . .

Furthermore, Mr. Speaker, you understand that an entirely extemporaneous speech shouldn't last much more than 40 minutes or 45 minutes, or you'll bore the rest of your audience. I want to support my argument with some documents because extemporaneously I think I have made a couple of points tonight that I haven't been able to make before, although there is one thing I do want to go to, Mr. Speaker, before I start with that.

I have said that this bill is attacking the member for Swift Current and the member for Nipawin because of their ideas. Their ideas are that Canada is falling apart and that there is an alternative which should be presented. Now what evidence do I have that it is falling apart? Well, here is a letter from the publisher of the St. John's report. It was written June 15, 1979, and it was sent to me by (this will surprise you, Mr. Speaker) a supporter and member of our party from Ontario who sent this to us for our information. Here is what it says; the club at Bay and King is the reason why the country is falling apart.

Excuse me, I had to get new glasses the other day. I'm sorry but these are my reading glasses — old age.

If anyone would like to acquire an inexpensive treatise on what's wrong with Canada, he should buy the book that is now before me and let it fall open at any page. It is the Financial Post's directory of directors, and it is a compilation of the leaders of all the great corporations in Canada, an anthology of the most powerful men in the country. It has fallen open at page 350. On it in the succeeding five pages, are the names of 129 corporate directors. Of these, eight come from Alberta, one from Saskatchewan, four from the Maritimes, 10 from British Columbia, one from northwestern Ontario, five from Manitoba, 29 from Montreal and 72 from Toronto or nearby parts of southern Ontario.

That is what is wrong with Canada. Be it mining, manufacturing, banking, real estate, engineering, advertising, accountancy, machinery, steel, rubber, food processing, automobiles, aircraft, television, newspapers or candy, the head office is almost certain to be in or around Toronto, or failing that, Montreal.

Oil, you say, is an exception. Not at all, Canadian had offices of Imperial, Gulf, Shell and Texaco are all in Toronto. The natural leaders struggle for the top and the top is almost always in the same place.

Canada as a consequence is run by a kind of club, a club that almost always meets in Toronto. We will listen in on one of the meetings. Up for consideration is some vast project proposed say for northern Saskatchewan. The preliminary work was done by Acres Consulting over on University Avenue. They have cleared with the locals. Charlie is here with that story. The financing is being handled by Ames. Pete can report for

them. George will be here from the Scotia. They are doing the banking. And Harold from over at Clarkson Gordon will be on hand for the tax problems. The meeting lasts an hour, and the future of some remote corner of Saskatchewan is virtually decided. It is held on the 39th floor of the Toronto-Dominion Centre at Bay and King, Toronto. That is how Canada (much of it anyway) is governed, is supposed to be governed, always has been governed and as far as the club is concerned, always will be governed.

The club method of government has two great merits. First it appears inescapable. Just as the crucial decisions in Alberta tend to be made in one of two great cities, so do those for Canada.

Secondly, it is efficient. The members of the club come to know one another. They meet one another socially. They yacht together, they marry, they breed, they come to know individual strengths and weaknesses, and above all, they easily and regularly communicate at Bay and King. Everybody who matters is just down the street. Canada, in fact, would go on like this forever were it not for three things.

Firstly, the club is not inescapable. The Americans, for instance, have escaped it. The American private sector does not centre itself in a single city. It has finance centres in New York, oil in Houston, aircraft manufacturing on the west coast, meat packing in Chicago, St. Louis and Omaha, automobiles in Detroit, steel in Pittsburgh, textiles in Atlanta, cotton in New Orleans, chemicals on the Texas coast and movies in Hollywood.

Secondly, the club, in the long run, is not efficient. A system which demands of every region that it offers up its finest sons and daughters because they cannot achieve their best unless they leave home, is a system which breeds disunity. The present disintegrated state of our country is a fruit of the club system.

Finally, the Toronto club has boobed. Years ago when the boys in the cowboy boots approached it, Stetsons in hand, requesting a little capital for their mad schemes to create oil wells, the club scoffed and turned them away. So they went instead to another club in Houston which seemed to talk their language and wasn't afraid of risk. The wells were found, so now those boys have formed a little club of their own. They don't need the club in Toronto. As opportunity affords, other centres may find ways to do the same. The power of the club will be gone. What will be saved will be called Canada.

Now, Mr. Speaker, that was this man's opinion. I happen to believe, and the member for Swift current happens to believe, that the club will never let go, never, and that this will always be the case. Mark my words, I've said it before and I will say it again. Mark my words. The club which controls Mr. Trudeau will insist they attack the very basis (as this man says) for changing the club. Those are the oil revenues of Saskatchewan and Alberta. Mark my words. That is what he promised the people of Quebec. That is why the country won't survive. Because I say, Mr. Speaker, and the members opposite, (if they want to be honest) have been saying exactly the same thing since their inception, no more club rule. That is what the PCs stood for before too and perhaps still do. No more club rules; it is our turn. We want to rule ourselves.

Now, Mr. Speaker, is that the idea which the members opposite and the members to my right who happen to agree with the, are attempting to kill with this bill? They are not going to succeed. But is that what they are attempting to do? Is that the break-up of Canada, someone who says, I don't think the club is going to let go? Are you prepared to

stay with the club? Well, I ask the members of this Assembly and I ask the people of Saskatchewan, are you prepared to stay with the club? Because if they are prepared to stay with the club, Mr. Speaker, all that I am saying is lost. It is gone. I don't believe it. I don't believe any member of this Assembly believes it either.

If the club insists on staying at Bay and King in Toronto, the people in western Canada will rise up and tell them no. If the club attempts to stay in Toronto at Bay and King and rule from its corporate headquarters and not allow some decision making to shift to Alberta, Saskatchewan, Manitoba and British Columbia, the people in western Canada, in our judgement, will rise up and will want another option. They don't want any more club rule. Is that the idea you are trying to discourage because someone is presenting that to you?

Ah, I'm afraid the member for Yorkton wasn't listening to this man from St. John's because he said they've avoided that down there, and to a very large extent they have.

I know, Mr. Speaker, that's not on the topic of this bill; but at some point in this legislative session, when the Attorney General decides to call intergovernmental affairs, I think the member for Yorkton and others in this Assembly will have a chance to hear whether or not the club rules in Washington, or whether it rules in New York or Chicago or Los Angeles or anywhere else. They're going to hear and find out that, in fact, it doesn't. The club doesn't rule there, but the club certainly rules in Canada; and that's what the people in the West are sick and tired of and that's what they want a change from.

To everyone in this legislature and to everyone in Canada who wants to make a united country, I say more power to you. For goodness sakes, get out there and work for it. Make it work. And if you can beat this club, which the members across say they've been trying to do for 40 years and haven't accomplished yet . . . They are still sitting at their desks (as one member did today, waving a picture) saying, how about Exxon? Exxon — \$200 million — look at that, we can't even touch them. It's been going on now for 40 years. You've never touched the club, never touched it.

We don't believe you're going to succeed. If you believe you can succeed, more power to you. But why, Mr. Speaker, do they want to attack an option which they may have to present themselves in due course? Why do they wish to do that? If they are unsuccessful, are they prepared to say that we want to be Canadian in western Canada, in Canada, run by Toronto forever? If they are prepared to do that, then I say they're not the kind of western Canadians I know. They're not even the kind of Canadians I know.

The people in the regions of Canada are sick to death of the club and they want to be rid of it. Anyone who does not recognize that is not representing his constituents well. Is that the idea you're trying to attack? Or are you going to say at some point in the future. We had an opportunity in 1980. A couple of guys in Saskatchewan presented this option. We rejected it. We not only rejected it, we went against every parliamentary tradition, every principle that has ever existed in a parliament. We went against freedoms which have existed in this country for 100 years. And we did it because they came forward with this idea and some of my constituents told me. I don't want to use my tax dollars to support the break-up of Canada. That's what they said.

But down the road when the club isn't broken up, when the people in western Canada are rising up and looking for options, can you look yourself in the eye as a legislator and say, we did right then because now we have to present this as one of the options?

There are only two; well, there's a third. Suppose, Mr. Speaker, it comes down the road toward what we say is the eventual break-up of the country. And suppose the members in this Chamber are standing up there saying, we're going to fight for Canada, but we're not going to accept the club. Which are they going to choose then, the club forever, or an independent western Canada, or another association? Those are the three choices.

The Attorney General has put forward an idea which I have disagreed with the last six or seven years. He says, take over the club. The problem with that is, you just have another club. There it is . . . (inaudible interjection) . . . You see, that's where we differ. You take over the club; you just have another club. We say, Mr. Speaker, that's not right. The Attorney General knows I've been arguing against that for the last seven years. I'll probably be arguing against that until the day I die. You don't replace one club with another one. You just don't do it. I mean it just doesn't work. What you say, Mr. Speaker, is you have to make this choice.

The other thing is . . . (inaudible interjection) . . . You see, Mr. Speaker. Take over the club. Well I suppose that is a fourth option. But suppose that option isn't available to you . . . (inaudible interjection) . . . Well, I suppose it doesn't matter. I wanted to get into some of these dissertations, but now the Attorney General's led me off on another important tangent.

You now something, Mr. Speaker, he yells from his char, we'll take over the club; we're right here sitting in Saskatchewan; we'll take it over. How many 50 per cent contracts did that club make with the club down in Toronto last year? One hundred and some odd, with Exxon, with Gulf, with every major . . . Right there. How many did they make? Take over the club! You haven't taken over the club; you've joined it. I mean, big deal! We want to be rid of the club and you guys go down to sit on its board of directors and say we have to have, you have to have. Terrific, boys. The only difference is you phone from Regina down to Toronto.

AN HON. MEMBER: — You have to get in the ring before you can win the fight.

MR. COLLVER: — Ah, now it comes. You have to get in the ring before you can with the fight is what the member for Kelsey-Tisdale is saying. They're only into this 50 per cent deal until they have it all worked out. Then they can take them over and get 200 per cent. Is that the way you play the game, boys? Is that fair play? Are those the kinds of laws you want? No, no Mr. Speaker. The kinds of laws you want to bring in are repressive laws like this one. Attack backwards! We'll make a deal with you, sure. Come on, 50 per cent. Let's go big boys down there from the club. But in the back of my mind I don't want to be half the club. I want to be all the club.

AN HON. MEMBER: — And we make the rules too.

MR. COLLVER: — And we set the rules, right! So we'll make up the rules. We're the club. We'll get you out of it so you're gone, right? You've made a deal; you shook the guys' hands.

I notice everyone's having a good time here obviously tonight, except me. It very much relates to whether or not a handshake means anything. That's what it is all about. That's what a rule of law is all about. That's what good negotiations are all about. That's what any kind of association lives on, whether or not your word means anything. If your word to people is that you're in for 50 per cent and you've joined with the club, then you have to accept it. If you say we're using the club to help the people of Saskatchewan, fair

game. But in fact, you've joined them. So don't try to tell us you're not part of the club, because you are. A few guys in here with a few guys down in Toronto . . .

Did you ever stop to think, Mr. Speaker, that anyone on the other side of the House . . . (inaudible interjection) . . . I'm really sorry, the Attorney General did this. I thought we were keeping it nice and clean there for awhile. Did the Attorney ever stop to think; do you suppose in the meanderings of his mind, that maybe, just maybe, the point of this article, and the point of what we've been saying on this side of the House for as long as I've been here, is that people don't want just a few running their lives. They want to disperse power. They want a division of powers. They want power all over the place.

If they work their backsides off, they'd like to get a chance to be in the position of a little power themselves. Is that really so awful? Is it so bad that people should be desirous to get into a system which allows them (if they work hard) to go from one level up to another level? I don't think it is so bad if people want that. They just don't want a club in Toronto; they don't want a club in Regina. They don't want a club anywhere. They want to run their own lives. They want to think for themselves. They want to believe for themselves. They want to associate with whomsoever they might like to associate.

Mr. Speaker, that brings me back to Bill 105. I want to associate with whom I want to associate. I want to obey the laws of the province of Saskatchewan. I don't want to live in a society which changes the laws that I have accepted that I helped to create just a year ago, because some constituents are running around saying, I don't want to pay good tax money to somebody who wants to break up Canada when they have no idea what the position is because they have not had a chance to hear it yet. How are they going to get a chance to hear it if a government or an opposition or anybody says, these are the rules but we are going to change them because we don't like what you think?

Now I say to you, after the people have had a chance to hear it, and if then they want to say, we reject it, it's terrible, we don't want any part of it — fair game. But don't tell me or come in and tell the people of this Assembly, or anyone, that you are bringing in a bill because it is deficient, when it was enacted less than a year ago! Don't tell me you are bringing it in because you can support it back in your home constituency, because people don't want to pay their tax dollars to support somebody who wants to break up Canada. They don't even know whether or not we want to break up Canada. You at least know because we told you in this legislature just what our position is. Furthermore, we have said outside this legislature just what our position is. We are not going to work go break Canada up, but if we are right and it breaks up, we're going to present an option to people that they can understand before the darn thing sinks. If it doesn't break up, terrific! But if it does break up, they will at least have had that option presented to them in advance. They will not be forced to rush into it.

Tell me that's bad. Tell me that's wrong! I say to you, you are the one who is short-sighted if one of the options is not presented. You said there were four options. That's right; there are four. Take over the club, live with a club; go by yourself or join with somebody else who has a different set of rules. Those are the four options. All right, what is politics all about? Politics is all about presenting those options! Who is presenting take over the club? — the Government of Saskatchewan. Fair game, if the people like that option, terrific! If they don't like it, they will reject you. Who is presenting stay with the club?

MR. ROMANOW: — Right there!

MR. COLLVER: — I'm not going to say. I'm not going to say because you'll have to decide that for yourself. But there is a party presenting stay with the club. No, I don't think it is the members to my right. As a matter of fact, I think it is the present Government of Canada. The present Government of Canada I saying stay with the club. That's who is saying stay with the club, the Liberal Party of Canada. If you don't believe that, just look at Mr. Ryan's proposals. If you don't believe that, just look at the position Trudeau is taking today. If you don't believe that, just look at the kind of position Lalonde is taking today. That's the party which says, stay with the club!

MR. ROMANOW: — What about Joe Clark, is he any better?

MR. COLLVER: — I'm not going to enter into that debate. But the options have to be presented. There are four options. We are presenting one. We don't want to break it up, but we are presenting an option if it does. To those constituents of yours who say, I don't want my tax dollars being used for somebody who wants to break up Canada, maybe they should think for themselves for a moment and ask, are they really trying to break it up? Are they running around trying to break it up? Are they counselling people to violence? Are they counselling people to take to the streets? No, they are not doing any of those things. Are they doing their job as legislators? Are they presenting things to this legislature? Are they standing up for certain rights they believe in? Are they adding anything to the legislature? Are they helping any bills get through? Go talk to the people in your constituency about that. See how honest you get. Oh, the member says, let me hear it. The fact is that they aren't talking that way. They've taken what happened as this. In the flush of the referendum in Quebec, the belief of the people of Saskatchewan was that their country was going to break up and that there were people in Quebec, who in fact counselled violence at times, who were attempting to break it up. They weren't presenting options but were attempting to break it up.

In that flush people said, they frighten me, so get them out of my sight. Break every rule; break every bit of intelligence that you have toward the preservation of a legislative Chamber and a legislature and a free society. Break every rule you have in order to persuade someone because in the flush of that . . . I promise you, Mr. Speaker, if the members went back to their constituencies now they would find fewer people who say, . . . (inaudible interjection) . . . Guess again says the member for Yorkton. I don't think he's been back there for a while. Well, I think you would find a lot fewer who would speak that way at this point because the flush of the referendum is not upon us.

And you know, the Minister of Agriculture, I believe, has attempted to be a reasonable man in this legislature from time to time. He's never very political when he gets on his feet. Hardly ever does he turn every question in question period into a positive for the NDP and negative for the opposition. And that's what it's all about in this legislature. I don't think the Minister of Agriculture could possibly support listening to constituents who would say, let's eliminate all the natives because they're a bunch of . . . But you know people say it. You can go back to your constituency and hear all kinds of damn fool ideas from constituents.

Would you come down here and present them? Rule of the majority does not mean suppression of the minority. When rule of the majority becomes suppression of the minority, it becomes nothing more than dictatorship and no freedom is worth anything.

That's fact. Lots greater people than me have said words like that and I intend to bring those people to the attention of this Assembly before this debate is concluded. You do not suppress minorities just because the majority wants it. What Ukrainian in

Saskatchewan could support that? What native Indian could support that? What Jewish person could support that? And, as a matter of fact, for the information . . . (inaudible interjection) . . . Well, it will remain to be seen, Mr. Speaker, let's not let the catcalls degenerate into that kind of talk.

The point is that minority groups in the province of Saskatchewan know what it's like to be in a position of minority and know that the majority must never be allowed to suppress the minority. Never, if you have a free country. And to the member for Rosthern who sometimes, I must say, has not the clearest, most logical, most persuasive mind to grasp issues, (and I say that with all deference and respect to the member for Rosthern) I say go back to your own people and ask them if you suppress minorities because the majority wants it. I ask him to go back to his own people; read a little of his own history; find out whether you suppress minorities because the majority wants it.

Mr. Speaker, I lived in a part of Canada in my younger days where precisely that was done. I lived in a part of Canada where Jewish people were not admitted to any clubs. They weren't admitted even into restaurants in my lifetime. That's how recent it was. You don't suppress minorities because the majority wants it. That has happened from time to time in our history and all of us should be ashamed of it. In every walk of life, we should be ashamed of it. From whatever political part, we should be ashamed of it.

That's what this bill is, Mr. Speaker, nothing more than an attempt to suppress a minority viewpoint. Money is not an issue. I'm not getting a dime. It's going to go to the community. The united way of . . . (inaudible interjection) . . . I think, Mr. Speaker, I must inform the members that when they draw my attention to such a sight and my wife is sitting up there, it's not acceptable, especially not when you're attempting to come forward with these wonderfully sparkling witticisms.

Mr. Speaker, I'm going now to draw the members' attention to the kinds of things that have been written by others. I started out one evening. I guess it was a week or 10 days ago (the last time I had a chance to speak on this issue) by going through the text, *Free Speech in the United States*. I turned to a chapter called *Purifying the Legislature*. Now this is an interesting chapter because these are things that happened there that indicate where legislators can go too far, where they can, if you like, be hoisted on their own petard. I got down as far as the comments by Tolstoy, so I'll commence with those. I'm glad that the Minister of the Environment agrees . . . (inaudible interjection) . . .

Well, for the information of the Attorney General, who knows what it's like, you don't want to kill your audience. Eventually, Mr. Speaker, it's necessary to bring them back to life with the hard words of someone else. It's always important . . . (inaudible interjection) . . . That's fair enough. I've had to sit here for the last nine days, going through the same darn thing. Now it's your turn.

The agitator's effort (says this chapter) is made on behalf of those thoughtful men as well as for his own sake. And if he wins, the gain to truth comes not perhaps from his ideas but from theirs.

I'm sorry, Mr. Speaker, but I have to go back to remind them, because it has been so long. We were talking about censorship. Tolstoy was talking about censorship.

The men and women mentioned in this book whom reflection has made me

consider victims of unwise (now let's get this, Mr. Speaker) and often illegal suppression, are not indeed political prisoners whose ideals I can share.

Mr. Speaker, you know they say they're going to be bored, but it's just sparkling wisdom.

. . . as I might those of Silvio Pellico or Grotius and it may be even that after due allowance has been made for the natural blindness of the contemporary to the merit of their thinking that only one or two men among them, like Bertrand Russell, are men whose work has enduring worth. Yet the views and even the personal qualities of the victims of persecution have little relation to the justice of their cause. Few objects of intolerance have touched such a low level of thought and action. Few have rendered more numerous and more valuable services to liberty than John Wilkes.

Now they're going to talk about John Wilkes and I'm sure the Attorney General will be interested.

In his person though he were the worst of men I contend he fought for the safety and security of the best (that's Lord Chatham).

That name, says Trevelyan, which was seldom out of the mouths of our great-grandfathers for three weeks together had been stained and blotted from the first. A rake, prodigal, unfaithful to the wife whose fortune he had looted for use in election bribes, lacking in genuine devotion to an political ideal, he nevertheless by sheer pluck and impudence led the fight to establish in the law of all English speaking countries five great principles of freedom; the immunity of political criticism from prosecution; the publicity of legislative debates; the abolition of outlawry which condemned the man in his absence; the protection of house and property from unreasonable searches and seizures; the right of a duly elected representative of a constituency to sit in the legislature unless disqualified by law, no matter what personal objections his colleagues may have to his opinions and writings or to his previous convictions for sedition.

Pretty close to being right on point, wouldn't you say, Mr. Speaker?

So great were his achievements that he became a household word on this side of the Atlantic.

I want to interject here to remind members that the man who killed Abraham Lincoln was named after this man John Wilkes; he was a very, very famous American libertarian.

One of the largest cities in Pennsylvania is named for him. Colonial patriots repeatedly toasted Wilkes and No. 45 at tavern dinners. Men called their children after him. My great-grandfather named his three sons, Wilkes, Pitt and Liberty. In the eyes of our forefathers he was the most conspicuous combatant against the doctrine so obnoxious to them that men might be maltreated, imprisoned, exiled, disenfranchised for the supposedly evil tendencies of their political opinions.

Preceding chapters have shown the gradual revival of that doctrine in our midst . . .

Now, Mr. Speaker, you will note that I have spared the members of this Assembly the preceding chapters. If they don't pay attention I may have to go back there to those preceding chapters so that we can lead up to the point which this man is making in purifying the legislature. They are not paying attention, so it may be necessary . . .

. . . first in war and then in peace, first against pacifists and pro-Germans, then against radical aliens until finally the war with evil thinking brought us to the point of governmental action against radical citizens with a constantly diminishing standard of radicalism. And even the last of the great principles for which Wilkes fought amid the applause of our ancestors was in grave peril, the right of the people to choose their representatives. On the 23rd of April, 1763 appeared No. 45 of the North Briton commenting upon the king's speech and upon the unpopular peace recently concluded with France.

The North Briton was conducted by Wilkes who had played a large part through this newspaper in driving Lord Bute from office and now castigated his successor. The successor was George Grenville of stamp act fame.

Other journalists abused public men under such disguises as the use of initials, but the North Briton called them by name. The minister resolved to prosecute for libel, but it was unknown who was the libeller since those responsible for the newspaper had kept their identity concealed. Lord Halifax, one of the secretaries of state, issued what was then called a general warrant, directing four messengers to take a constable, search for the authors, printers and publishers and to seize them and their papers when found. In three days they arrested 49 persons on suspicion, many of them as innocent as Lord Halifax himself. Among them was the printer of No. 45. From the seized papers, Wilkes was discovered to be the real offender and he was carried off to the secretaries of states. As soon as he was out of his house, the messengers took entire possession of it, broke into his desk with the aid of a blacksmith, dumped his papers including his will and pocketbook into a sack and went off with them, without even taking an inventory.

Wilkes brought an action, not against the messengers, but against the man higher up, the undersecretary of state, who had personally superintended the execution of the warrant. Wilkes recovered 2,000 pounds; then he went still higher and sued the cabinet minister who had issued the warrant for false imprisonment, obtaining 4,000 pounds damages.

His associates brought similar actions. It is said that altogether these suits cost the Grenville government 100,000 pounds.

The law of these cases that search must be warranted, describing the property to be seized, is embodied in the fourth amendment to the Constitution of the United States.

Then the Grenville government, which had found Wilkes such an expensive opponent, lodged an information against him for seditious libel, on account of what would now be considered an ordinary political editorial. He was a member of the House of Commons. The House ordered the newspaper to be burned by the common hangman and summoned Wilkes to attend for further proceedings. Meanwhile, the government encouraged bullies to make away

with him.

Now, Mr. Speaker, I must interject to say that not yet has the Government of Saskatchewan used bullies. Bully tactics perhaps, but they haven't used bullies.

Forced into a duel, he fled to France. Evidence was taken of his being the author and publisher of the North Britain No. 45, and he was expelled for seditious libel published during his term as member of parliament. This expulsion, although perhaps legal, was precipitate and vindictive, for Wilkes was about to be tried for his offence and the House might have at least waited for his conviction instead of prejudging his cause and anticipating his legal punishment.

Later he was convicted in his absence and outlawed for contumacy. Four years went by. The general election of 1768 was approaching and Wilkes returned from exile to stand for parliament. After a defeat in the city of London, he presented himself as a candidate in Middlesex. The working people allowed no man to travel to the polls without a paper in his hat inscribed, No. 45 — Wilkes and liberty.

Convict and outlaw as Wilkes was, his vote was overwhelming. After his election Wilkes surrendered himself into custody and went to jail. Lord Mansfield (and for the information of those who are not lawyers, Lord Mansfield was probably the greatest of British justices) reversed the outlawry and Wilkes was sentenced on the original charge of seditious libel to nearly two years in prison.

Obviously the king should have pardoned him. His sentence was unwarranted. Its remission would have relegated him, as Trevelyan puts it:

. . . to an obscurity whence but for the infatuation of his enemies he would never have emerged.

Now, there is somebody in this Chamber who used that very statement. It was the Leader of the Opposition. They didn't quite know where he took it from, but I just want him to know it came from this particular document or this book. Did you hear that, Mr. Speaker?

. . . to an obscurity whence but for the infatuation of his enemies he would never have emerged.

You see, Mr. Speaker, the members opposite and some members to my right (the followers of the member for Qu'Appelle) think and believe that by pushing this out, they are going to somehow do me dirt. Exactly the reverse, Mr. Speaker. Even in 1768 John Wilkes could have been banished to an obscurity whence but for the infatuation of his enemies he would never have emerged.

And I say, for the sake of what we are presenting to the people (four options), thank God for the infatuation of my enemies because otherwise we would never get an opportunity to make these kinds of presentations.

A feeble speaker, he would have been negligible (in the words of Junius, the client senator) and hardly supporting the eloquence of a weekly newspaper. But the king and

the cabinet were his implacable enemies, and he was left in prison. Then going back 40 years to the precedent of a member who had been expelled for forgery, the House of Commons declared Wilkes's seat to be vacant by a vote of 219 to 137. A new election was held and though still in prison he was re-elected. The House next day voted that having been expelled he was incapable of serving in parliament.

A third election followed with the same result. Burke told his fellow members that Wilkes had grown great by their folly. And Townsend reminded his listeners that a heavy account would some day be exacted from them if they continued to postpone all useful legislation for the sake of a frivolous and interminable squabble. But the election was declared null and void without a division. An opponent was produced for the fourth election in one Luttrell, who drew one vote to Wilkes's four, but was declared by the House of Commons to be member for Middlesex after a debate in which even George Grenville rallied to the support of his old enemy, Wilkes, with such vehemence that when he sat down he spat blood, shortening his life to diminish the majority against the lawfully-elected candidate. Blackstone tried to show that Wilkes was disqualified by common law, but was confuted by a passage in the earlier editions of his commentaries. He carefully altered it in the next edition in 1773 which said that every British subject not in certain specified classes was eligible of common right.

The majority was forced to rely on precedents from the great civil war when the majority expelled the minority and was, itself, expelled in turn. Did you hear that, Mr. Speaker? In Britain, 250 years ago the same thing happened. And it was settled there. It was solved.

The members on the government side and some followers of the member for Qu'Appelle are desirous of bringing it forward again. Burke expanded the principle involved in Wilkes' exclusion in his thoughts on the present discontent.

The only check on arbitrary power is the presence, here and there on the benches, of members endowed (and this is from Burke), with a spirit of independence carried to some degree of enthusiasm, an inquisitive character to discover, and a bold one to display every corruption and every error of government.

(That's what we are supposed to be). Such qualities are distasteful to those in power and Wilkes was the example chosen to discourage others, just as the arrest of five members by Charles I, if successfully conducted, would have stifled liberty as effectually as the execution of 50. The question was whether or not the government should select the legislature. The leading Whigs stood behind Burke and denounced the position that a resolution of any branch of the legislature could 'make, alter, suspend, abrogate or annihilate the law of the land.' Of all the statements of the cause of Wilkes, that of Burke's in debate has the greatest value for our time. Accumulated crimes, Burke said, are things unknown to the courts below. In those courts, two bad things will not make one capital offence. This is a serving up like cooks. Some will eat of one dish, and some of another, so that there will not be a fragment left. Some will like the strong solid roast beef of the blasphemous libel.

One hon. member could not bear to see Christianity abused because it was part of the common law of England. This is substantial roast beef reasoning. One gentleman said he meant Mr. Wilkes's petition to be the ground of expulsion, another, the message from the House of Lords. I come into this resolution, says a fourth, because of his censure upon the conduct of a great

magistrate. In times of danger, says a fifth, I am afraid of doing anything that will shake the government. (Doesn't that sound like today. Doesn't that sound like the member for Saskatoon-Sutherland who said that the way to vote on an issue is to abstain).

These charges are all brought together to form an accumulated offence which may extend to the expulsion of every other member of this House. This law as it is now laid down is that any member who at any time has been guilty of writing a libel will never be free of punishment. Is any man, when he takes up his pen, certain that the day may not come when he may wish to be a member of parliament? This, sir, will put a last hand to the liberty of the press.

It was not until his fourth election had been annulled that Wilkes left prison. The persecution of the government had turned him from an obscure member of parliament into a man of national prominence. As Junius said, the rays of the royal indignation collected upon him served only to illuminate and could not consume. The people unable to send him to parliament made him alderman and then Lord Mayor of London, while Luttrell voted with the majority in the Commons. At the next general election in 1774, Wilkes was returned from Middlesex and allowed to take his seat, since Massachusetts was causing too much trouble to encourage a stirring up of old grievances at home. Thereafter he sat without interruption while the men who had expelled him brought England to her lowest humiliation. In 1782 the resolution of 1769 declaring him incapable of election was expunged from the records as being subversive of the rights of the whole body of electors of this kingdom.

Mr. Speaker, before I go on to the next example, I'd like to draw to the attention of the members of this Legislative Assembly the fact that although this example of John Wilkes may appear extreme, it is precisely the reasoning behind Bill 105. Although Bill 105 does not expel, it removes the right of a member; although Bill 105 does not send to jail, it removes the right of a duly constituted political party in Saskatchewan to sit in this legislature, as the law was designed to do less than a year ago and Bill 105 is certainly not as extreme as what was done to John Wilkes in the late eighteenth century, 200 years ago. Two hundred years ago it was decided in Britain that kind of legislation, that kind of activity by the members and that kind of suppression of the minorities by a majority must not be allowed to happen. This man went through hell to stand up for what he believed in. This man walked the extra mile beyond any of us in this Chamber to serve us in this Chamber, and Bill 105 does nothing more than the same thing they tried to do to John Wilkes 200 years ago. It is exactly the same; there is no difference.

You are withdrawing the rights of members of this Legislative Assembly retroactively, because you do not like what they say to you and to your constituents. What's next? For the benefit of members to my right, I don't think the NDP like very much what you say to constituents. I don't think they like the PC Party. As a matter of fact, I think they downright dislike you.

AN HON. MEMBER: — I hope so.

MR. COLLVER: — The member for Meadow Lake says, I hope so. If the member would act a little smarter once in a while they'd dislike you a lot more, because then you'd be winning instead of flip-flopping; be a little sharper from time to time and you'd have them hating you so much they'd be vicious. There are some people who sat in this

Chamber when we were first in here with seven members, and I can tell you we were the most hated bunch you ever saw. Why? Because we were winning. That's why they hated . . . (inaudible interjection) . . . Well, I hope so.

Mr. Speaker, the next example I'd like to draw to the members' attention is one Victor L. Berger. Here's a quotation from James Russell Lowell that commences this particular section on Victor L. Berger:

And if my words seem treason to the dullard and the tame, 'tis but my bay state dialect. Our fathers spake the same.

That's James Russell Lowell on the capture of fugitive slaves near Washington.

The most prominent person convicted under the espionage act, with the exception of Debs, was Victor L. Berger. He was born in Austria in 1860, came to the United States in 1878 and was a founder of the Socialist Party in the United States, editor of the Milwaukee Leader and member of Congress 1911-1913, the first socialist to serve in Washington. The left-wing socialists always regarded him as a bourgeois member of the party. Before the United States entered the European war he gave vigorous expression to the orthodox socialist views about war and employed many of the arguments in favour of American neutrality which were used at the time by non-socialists, for example, in President Wilson's note of December 18, 1916, to all of the belligerents asking them to state their terms of peace. Unlike the great majority of Americans, Berger and other socialists did not consider the German submarine campaign of February, 1917, a sufficient reason for changing their minds but maintained that war was justified only in case of invasion. He was a member of the resolutions committee of the socialists did not consider the German submarine campaign of February, 1917, a sufficient reason for changing their minds but maintained that war was justified only in case of invasion. He was a member of the resolutions committee of the socialists' convention in St. Louis and signed the proclamation of war program of April 14, 1917 which branded the declaration of war as a crime against the people of the United States and the nations of the world, and stated that in all modern history there had been no war more unjustifiable. Berger published this platform in the Milwaukee Leader.

MR. SPEAKER: — Order! I wonder if the member might permit an introduction?

INTRODUCTION OF GUESTS

MR. A.W. ENGEL (Assiniboia-Gravelbourg): — I would like to thank the member for Nipawin. You can use this breather to your advantage.

I would like to introduce three people who were gracious enough to host a number of us tonight at the French Pavilion, Mr. Speaker, downtown here. We were entertained by a group from Willow Bunch, the Campaign Sisters, who sang just beautifully. And to some of you who like French music, I wish you would go down and hear the kind of talent that comes out of the South. But the three people sitting in the Speaker's gallery are Mrs. Chabot the president of the society; Floret Bilodeau and Clare Doran are two of her assistants, and they are accompanied by my son up there. I would like you to welcome them to the session tonight, especially . . . (inaudible interjection) . . . the official flag that the Francophone society flies in Saskatchewan. They have given me a complimentary one. Thank you.

ADJOURNED DEBATES

SECOND READING – BILL NO. 105 (continued)

MR. COLLVER: — Thank you, Mr. Speaker. I'm very happy that the member drew the flag to my attention. It's a beautiful flag and I think it represents the Francophone community well. I must tell Mrs. Chabot that a week or ten days ago I used her name in this legislature and her association to provide an example of why the particular bill I am speaking on tonight should not be proceeded with, in that it is my understanding that Mrs. Chabot is the head of the Association Culturelle Franco-Canadienne de la Saskatchewan, (am I correct in that), which supported the yes vote in the referendum and was still supported by the Government of Saskatchewan financially.

Whether or not you believe in that cause or do not believe in that cause, I support your right to take that stand and have that view. I would hope that you would support my right to take whatever stand and view I may think is right under these particular circumstances. So I hope Mrs. Chabot will pardon me for having used her name in that regard in this House some time ago.

Now, Mr. Speaker, I'm back to Mr. Victor Berger . . . (inaudible interjection) . . . The member for Regina Centre said he thought I would lose track of it. I wouldn't want him to lose track of Mr. Berger, because this particular case exemplifies another step forward that happened to legislators when they were attempting and became tempted by all kinds of reasons to get rid of the very traditions and freedoms that they themselves, had stood for; those temptations overcame them, and the result of giving into temptation is a good valuable lesson.

The member will be reminded, I think, Mr. Speaker, to recite to himself from time to time, the Lord's Prayer, which in part reads, 'Lead us not into temptation.' I sincerely hope that all of the members remember to say that prayer from time to time. Let's not be tempted because of what you may see out there as being a politically popular idea of the moment. Let's not be tempted to go overboard and cut your nose off to spite your face, as it were.

AN HON. MEMBER: — . . . (inaudible interjection) . . .

MR. COLLVER: — That is the worst I have heard. That's the worst, Mr. Speaker. And that's not even on topic. That's the lowest pun that the member for Saskatoon Centre has ever brought into this . . .

MR. SPEAKER: — The member for Nipawin should avoid the temptation of responding to the member who does not have the floor.

MR. COLLVER: — No one even caught the double entendre in terms of the pun and the ham and the burger.

Now, Mr. Speaker, they keep interjecting. I want to get back to Thomas Berger because he's a fascinating fellow. Everybody wants to hear about Thomas Berger. Absolutely.

I sort of lost my place, Mr. Speaker, with the introduction and the flags and everything. So if I go back over it, you will remind me, I hope, and I'll get right on to wherever I left off. Now this is about Berger. Remember that we have to go back because of the interjection; remember that he was opposed to the war in 1917.

He did not, however, urge anyone to resist the draft and indeed advised one socialist conscientious objector to put on the uniform.

Berger testified that several men in his immediate family volunteered, although his opposition would have prevented them from doing so. It is of course well known that the record of Wisconsin and Milwaukee in the war was very high. Though Berger can take no credit for this, it tends to disprove that opposition to war produces violations of the draft act or other war law. (That was an aside).

In September, 1917, the Leader was deprived of its second class mailing privilege for the future, by a blanket order of the postmaster general and relief was subsequently denied by the courts.

Now that's where the government started to attack Mr. Berger.

The newspaper thus lost a daily circulation of approximately 15,000 subscribers. All first class mail addressed to the Leader was returned to the sender. The District of Columbia Court of Appeals said of the articles on which the exclusion was based, and in this opinion the house of representatives committee afterwards concurred (and I quote): 'no one can read them without becoming convinced that they were printed in a spirit of hostility to our own government and in a spirit of sympathy for the central powers, that through them appellants sought to hinder and embarrass the government in the prosecution of the war'.

Here was a guy in the middle of a war, Mr. Speaker. They wanted to hear about Thomas Berger. He was advocating that they not be in the war and the legislators were tempted to say, we're going to take the circulation away from his newspaper because what he's printing isn't helping our war effort.

The reader can determine the general character of the Milwaukee Leader from the passages in a later paragraph, and decide for himself whether the judicial and legislative comments quoted in this chapter are correct in concluding that Berger wanted to aid Germany.

My own opinion is that they err in confusing opposition to the war with wishing the enemy to win. Whether Berger was within the terms of the espionage act or not, I find in his writings no desire that the militarism and autocracy of Germany should triumph, but rather a series of extremely bitter and cynical attacks about what seemed to him the Junkerism and selfishness of all of the governments on both sides of the war.

They indicated that he wanted the war to end at once because in the absence of invasion he sincerely believed it unnecessary and a crushing burden upon the workers of America.

I say this although I am repelled by the attitude of Berger, I can understand the abhorrence of Debs for a law which, compels a man to kill fellow workers because their rulers quarrel, and recognize that he speaks from the heart, even while I disagree with him.

But for Berger the war seemed only an impersonal step to an economic

argument.

Now remember, Mr. Speaker, this man was a socialist, the first socialist member in the United States of America; if you like, for the benefit of members opposite, one of your forefathers. This was what this man had to put up with at that time, and he fought it so you can enjoy the position you're enjoying now.

He sneers at the possibility of noble purposes in the conflict and nowhere utters a word of praise or sympathy for those who gave up home and life for the desire that the world should not be made an armed camp and that oppressed nations should be free from military domination.

Despite all this the fundamental question remains, whether it is for the advantage of government by public opinion and popular election that just because most of us consider a person's views detestable he should be thrown into prison and American citizens should be denied the right to be represented by the man of their choice. (Pretty close, isn't it? Pretty close!)

In February, 1918, Berger was indicted with four other socialists for conspiracy under the espionage act. The indictment was brought in Chicago because the defendants were alleged to have agreed there for the issue of publications in various places. The overt acts which Berger himself was said to have committed consisted of five editorials in the Leader which were in substance as follows . . .

Mr. Speaker, I just want to interject here to say one thing. Berger, and this man has read all of his writings, at no time said, Germany should win the war. Berger said he abhorred the war, not that Germany should win. He abhorred it. The member for Swift Current and I have said, we are not working to break up Canada; but if it breaks up we want the alternatives presented to people in a fair way before it breaks up. We are convinced we are contributing nothing to the break-up of Canada, but if it breaks up (as we believe it will) we are going to present an option to the people which needs to be presented . . . (inaudible interjection) . . . Oh, for heaven's sake, Mr. Speaker, for goodness sake! . . . (inaudible interjection) . . . I wouldn't want to repeat this to the member for Moosomin because what the member opposite said might be taken personally by some in this House. That's why I don't want to repeat it. And my wife is here too. My wife is here. I don't want that repeated in this Chamber.

Let me say to the member, who just said that (for his benefit and others) most of us in this Chamber, I think, are very happily married and are not contemplating any divorces of any kind whatsoever. But that doesn't stop us, for the benefit of the member for Assiniboia, from looking up at someone who might be pretty walking out of the House.

SOME HON. MEMBERS: — Hear, hear!

MR. COLLVER: — We might be happily married and not contemplating divorce, but I can sure enjoy it if I want to. And, furthermore, if it presents itself to me attractively, I can sure present the option to others as these guys here have done to me tonight. Whether I choose it or not is my view. Whether the people choose my option is their view. Mr. Speaker, I believe it is nearing ten o'clock. Am I correct that it's nearing ten?

MR. SPEAKER: — I believe the member is correct.

The Assembly adjourned at 10:01 p.m.