

**LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**  
**June 2, 1980**

**EVENING SESSION**

**ADJOURNED DEBATES**

**SECOND READINGS**

**Bill No. 105 (continued)**

**MR. R.L. COLLVER (Leader of the Unionest Party):** — Thank you, Mr. Speaker. Mr. Speaker, I promised before the supper break to try to finish with Victor Berger as quickly as possible in order that we could get on to the exciting five socialists in New York. I will certainly attempt to do this, Mr. Speaker, as quickly as we possibly can because the saga of Victor Berger is one which I think will go down in history as an example for all men and women who stand up for what they believe in. Mr. Speaker, if you would like me to relate this particular case to the bill at hand, although this man was persecuted for his beliefs with reference to a war, and presented views with reference to a war while the United States was at war, nevertheless it doesn't discount the persecution which occurred. In this case, because of the beliefs of two members of this legislature, a persecution is existing here. I think I drew to the attention of the members before, the example that this all started when Mr. Berger's postage privileges were withdrawn. His opposition to a war led to a disqualification under the 14th amendment.

Mr. Berger obviously satisfied the first four constitutional requirements. But the committee of the House of Representatives held that he should be excluded because he had given aid and comfort to the enemy. Now I don't know what aid and comfort the members of this Assembly believe that we've given to whatever enemy they perceived. I haven't heard anyone yet suggest that the United States of America was an enemy of Canada, or was an enemy of the people of western Canada. I haven't heard that suggested even once. So to give aid and comfort to the enemy, I don't think has been the lot of the member for Swift Current or the member for Nipawin. So he was barred by the 14th amendment.

At the outset the committee decided not to be governed by the action of the judge and jury at Chicago but to review all the evidence at that trial. The proceedings about the exclusion of the Leader from the mail . . .

That's not the leader of the party, Mr. Speaker, so that you won't get confused between the leader as mentioned in Bill 105 and the leader here you will recall is the Leader — the paper published by Victor Berger, not to be confused with Victor Borge . . . (inaudible interjection) . . . Yes, the member for Shellbrook mentions again that I don't know if this particular Victor Berger played the piano at all. I don't think it's directly related to the proceedings at hand but one can never tell. I suppose it's possible that he was persecuted because of his abilities to play the piano, but I don't think so. I think the member for Shellbrook should leave that out of this discussion because I don't honestly believe, Mr. Speaker, that it is pertinent to Bill 105 nor in fact is it even pertinent to the discussions of persecution of various people. Now the member for Regina Lakeview says we don't shoot piano players in Saskatchewan, and I sincerely hope that's true. As someone who has played the piano from time to time Mr. Speaker, I hope that's not part of the persecution existing under Bill 105. No one has heard me playing in this Assembly. Well some have; I suppose members to my right from time to time but never

anyone on the opposite side. I used to play God Save the Queen at the odd meeting when we couldn't find a piano player, and it was appropriate but that has nothing to do with this at all, Mr. Speaker. I don't want to confuse the issue at all.

At the outset the committee decided not to be governed by the action of the judge and jury at Chicago but to review all the evidence at that trial, the proceedings about the exclusion of the Leader from the mails, and the fresh testimony introduced at the hearings. The conclusions of fact were in part as follows.

Now I want the members to listen carefully to this because this is important. It's difficult, Mr. Speaker. We're listening to the radio here on my left and there are very important matters going on; it's hard to keep track of this wonderful . . . I think we are being broadcast all over everywhere and the police are deciding to take immediate action here. I hope the Sergeant at Arms is not taking action against me for boredom, Mr. Speaker, because I'm certainly not trying to bore the members of this Assembly in any possible way. The fact that they have bored me for the last five or six weeks in dragging on and delaying the proceedings of the House certainly has nothing to do with any intention I may have at the moment in terms of boring them. This is from the statement of fact pertaining to Mr. Victor Berger.

The admitted acts, writings and declarations of Victor L. Berger, and of the men with whom he was associated in the management and control of the Socialist Party, from the time of the entrance of this country into the war until their indictment by a federal grand jury, clearly established a conscious, deliberate and continuing purpose and intent to obstruct, hinder and embarrass the Government of the United States in the prosecution of the war and thus to give aid and comfort to the enemies of the country. The writings and activities of Mr. Berger and his associates could have had no other purpose. That Victor L. Berger was disloyal to the United States of America and did give aid and comfort to its enemies, at a time when its existence as a free and independent nation was at stake, there cannot be the slightest doubt.

Now, those were the findings of fact held at Victor Berger's trial.

I submit (this writer) that this report is a serious misinterpretation of the legal phrase 'aid and comfort to the enemy.' The misinterpretation is so often made and so likely to recur in another war that its consequences go far beyond any injustice to Berger.

You see, Mr. Speaker, what I was saying earlier today, in terms of what I feel we're doing here, is that I believe that any efforts I might make today may help others in future to avoid the kind of persecution the present Government of Saskatchewan is attempting to bring upon two of the members of this Legislative Assembly.

For the sake of sound policies in the future, a decisive interpretation is demanded. We may well take to heart as a warning Warwick's speech to the Bishop of Beauvais in St. Joan about the word 'traitor.'

Now, the word 'traitor' has been bandied about this legislature from the seats, Mr. Speaker. I submit that you have been very appropriate in requiring the one member who used such words on his feet to withdraw. But, the word 'traitor' from those who are too

chicken to get on to their feet, has been bandied about quite a bit; and these are the words of Warwick's speech to the Bishop of Beauvais in St. Joan about the word 'traitor' and I quote:

It does not mean in England what it does in France. In your language traitor means betrayer, one who is perfidious, treacherous, unfaithful, disloyal. In our country, it's simply one who is not wholly devoted to our English interests.

Berger's violation of the espionage act was not a bar under the fourteenth amendment, because it did not amount to treason. It is an odd commentary on legislative justice that nearly everyone involved in the Berger case assumed that aid and comfort to the enemy was synonymous with guilt under the espionage act. Of course this phrase is often employed loosely in conversation in congressional debate to include all sorts of language which is considered disloyal in war time, but legally these words have a technical significance. They are used in a statute or in the fourteenth amendment in the same sense as in the clause of the constitution defining treason. To quote:

Treason consists only in levying war against the United States or in adhering to their enemies, giving them aid and comfort. Therefore, the acts of aid and comfort which would disqualify Berger from serving in Congress (under the amendment of section 3(b) still enforced) must be of the same general character with those necessary to convict him of treason. Was Berger guilty of treason? In answering this question we must not be misled by colloquial usage. Theodore Roosevelt denounced the St. Louis socialist platform as treason. And traitor is a heart-warming conversational epithet for anyone who wants a war stopped.

I wonder, Mr. Speaker, whether the members opposite on the government side are listening to those words, are paying attention to those words. You see, Mr. Speaker, people bandy those words about loosely when someone is attempting to present options to the people in the democracy, merely to connote the fact that those individuals are presenting views which are not a majority view, whether or not they suggest that the country should split up and (for example, in the case of some people's suggestions) that western Canada become a separate state or in other people's views that western Canadians should seek to join the United States as full and complete partners, as full and complete states within that union, or whether or not they suggest that they should stay joined with Canada. I submit, Mr. Speaker, because of the fact that a new constitution (and I am not talking about the constitution now) will be presented to

the people of Canada, that legally and legitimately you may present to the people other options besides that which a new constitution will develop. In fact the old constitution, if it is withdrawn from Britain and brought to Canada, will no longer apply. And the country really, at that moment in time, ceases to exist. The country then becomes a new option, a new country. As a result, Mr. Speaker, I submit that anyone who makes a presentation which is different or differs from that of the majority is merely making a presentation of other options. They are not for a second attempting to break up the existing country because the existing country doesn't exist. The constitution is no longer in effect, because they are talking about a new constitution, new uncharted waters.

The people have to decide for themselves whether they want: (1) to approach the new uncharted waters, (2) to approach on the old basis, or (3) to approach a new kind of union altogether, whether it be as a separate state or whether it be as a union with someone else. For those reasons, Mr. Speaker, I suggest that the word 'traitor' or the word 'treason' in this instance is totally not applicable. It is not applicable for precisely that reason, because Canada is attempting to form a new constitution which is new and uncharted waters. Certainly there is no aid and comfort to any enemy.

As a matter of fact, I would suggest, Mr. Speaker, to be quite frank, that the enemy referred to here could be more closely adaptable to Mr. Trudeau and his group in Ottawa than it could possibly be adapted to anyone who is suggesting a different kind of country. What Mr. Trudeau is attempting to do with the country is to submit all of those in the western part of Canada to his concept of Canada and to the concept of Canada held by those in Ontario and Quebec. He gained no support in western Canada in the last federal election, and quite frankly, Mr. Speaker, right now, certainly in my constituency and in the constituency of the member for Swift Current, he has so little support as to be non-existent. We have repeated before that the Unionist Party has far more support in Nipawin and in Swift Current than has the Liberal Party in either place. I submit to you, in attempting to bring about this kind of change, the Prime Minister is more of a traitor than anyone else. And I wouldn't call the Prime Minister a traitor. He is presenting his view of the country. We are presenting ours. He is presenting his view on behalf of his constituents; we are presenting ours. The members to my right are presenting their views of what the country should be like; the NDP is presenting its views of what the country should be like. After all, that's what a democracy is all about – what is best for the people, how best to represent the people and the options available to them. The people will make the final decision; the people will decide in the final analysis.

As I said before, Mr. Speaker, if between elections a member decides to take an action of whatever kind and description . . . I thought it was particularly apropos that the member for Qu'Appelle has finally decided to sit in on some of these discussions of the future of our country and the discussions of Bill No. 105 as it relates to political parties and members of this legislative Chamber. I thought it was particularly significant because he made a dramatic move from Liberal to Conservative just two or three years ago. He went totally against what his constituents told him they wanted, with many, many letters asking him to resign. In the paper, the Regina Leader-Post, there were articles asking for his resignation. They also did this with me and the member for Swift Current. I thought it was particularly apropos that he should be the one who was most interested in the outcome of Bill No. 105. That's really a surprise.

I suppose it shouldn't be so surprising because usually the greatest sinner is the one who sees the change much more readily than he would otherwise. I think it's a fact that

he sees God; he sees the clouds. He who sins the greatest sees far better than those who haven't sinned before. I think it's particularly significant that he should believe that in some way it is a sin to change your mind between elections. I thought that was particularly significant.

I suppose the next time he changes, when he is unable to achieve his personal ambitions, in between elections he will . . . (inaudible interjection) . . . I must inform the members opposite that I made a lot of mistakes in my life. I do make a great many, but I don't make the same one twice. I can assure the members opposite that that mistake will never be made again, as long as I live, I can assure you . . . (inaudible interjection) . . . Well, I made only two mistakes in all the years I was associated with the Conservative Party, the members to my right – only two. One was a small one and one was a big one and we've heard from both of them tonight.

Berger's violation of the Espionage Act was not a violation of the 14th amendment because it did not amount to treason. It is an odd commentary on legislative justice that nearly everyone involved in the Berger case assumed that aid and comfort to the enemy was synonymous with guilt under the Espionage Act. Of course this phrase is often employed loosely in . . .

I think I've said that before, Mr. Speaker; I wouldn't want to repeat it. I don't want to be repetitive. I'll just skip down to the next part of this exciting dissertation on Victor Berger. We're into new uncharted waters here, so I want the members to pay careful, careful attention.

Therefore the acts of aid and comfort which would disqualify Berger from serving in Congress under the amendment of section 3 be still in force, and must be of the same general character with those necessary to convict him of treason. Was Berger guilty of treason?

That's where I left off before. I had to read that to just bring you up to date. And I went on to Theodore Roosevelt.

The socialist platform of treason and traitor is a heartwarming . . . (inaudible) . . . Chief Justice Marshall (Now there we are; I did get lost.) said long ago that treason should not be extended by construction to doubtful cases and there has never been a decision that talking against a war is treason.

Did you hear that, Mr. Speaker? Even talking against a war is not treasonous in the United States – in a free country. Now in Canada it's not treasonous either. There are a great, great many people who talked against the war during World War II and World War I – many, many people.

A great many people in the province of Quebec spoke against the war effort of the Canadians, but merely speaking against the war . . . This is at a time of severe trial; this is at a time, not like today when we're discussing the future of our region, the future of our province, and trying to decide what's best for all of us. This was in a time of war, when people were committing violent acts against their country. Even speaking against a war in Canada is not treasonous. And neither is it treasonous in the United States. Those are the decisions, Mr. Speaker. People perhaps don't realize that. They perhaps

believe that somehow the mere act of speaking and making a presentation causes you to be guilty of being a traitor or of treason.

Now, Mr. Speaker, you might accuse perhaps the member for Swift Current and me, with some considerable degree of accuracy, of not supporting the present move toward a united Canada the way Mr. Trudeau sees it. You might accuse us of that. And if that's being disloyal to Mr. Trudeau and his group, then you are darn right we're disloyal to Mr. Trudeau and his group. I tell you, Mr. Speaker, we'll continue to be disloyal to that kind of a concept of this country.

Now is that enough reason to suggest we are not a legitimate party in the province of Saskatchewan, even though we complied with all the laws? Is that a legitimate enough reason because we say Mr. Trudeau and his concept won't function, won't work? It's not in the best interests of the people of Canada. There must be a better alternative. Or is it better, Mr. Speaker, to suggest as, for example, the members opposite (the NDP has done from time to time) that Mr. Trudeau is wrong, and then not present an alternative – none at all, zero, no alternative of any kind whatsoever. Is that better? Is that the kind of politics that members opposite and members to my right want; they merely present those kinds of views?

Or is it better, Mr. Speaker, to present an alternative: to say this concept of the country is incorrect. I was attempting to explain that to you earlier, Mr. Speaker, but you ruled me out of order. There's one kind of concept of the country the present government in Canada has, the NDP seems to have, the Conservative seem to have, that they suggest will function. We say that won't work.

Here's a concept that will work. Nobody is presenting it. Nobody seems to want it except the people. Certainly the politicians don't want it. The politicians in Ontario don't want it; the politicians in Quebec don't want it; the politicians in Saskatchewan don't want it. The people want it. They don't want to be ruled from Ottawa. They want to be ruled at the regional local level. And they want to be ruled at the regional local level in terms of their own personal services, those services for which they have to deal directly with the government. There's nothing wrong with that. Where is that option being presented? By no one is it being presented.

Every party in Canada today is saying the only way to have a strong country is to have everything dictated out of Ottawa – health care, welfare, the whole works. That's the way we're going to have it. That's what we've had up till now. That's what the club in Toronto wants, and that's what we're going to have from now on. Is it enough to persecute a group in this legislature because they say, that won't work fellows? That will not work, will not function, will not thrive, and will not move us anywhere.

And, furthermore, because that won't work, and because no politician is presenting it, we say (whether you may agree or not) that other options have to be open. Would it be better, Mr. Speaker, if we said, well the option that's open to us because 30 per cent to 40 per cent . . . You have no idea how many members of this legislative Chamber said, if only you had said we'll go for an independent western Canada instead of union with the United States, you'd have had 30 per cent to 40 per cent of the popular vote, popular support.

As a matter of fact in the press the member for Qu'Appelle said that. Would he be sitting so beautifully in his chair with 30 per cent or 40 per cent of the popular support? Would he have been so beautifully in his chair if the member for Swift Current and the member

for Nipawin had moved over here and created the Unionest Party, their aim being an independent western Canada, which the member for Qu'Appelle seems to believe, and other members of this Chamber seem to believe could capture huge support even though the member for Swift Current and I both believe that's a terribly irresponsible position. To suggest, Mr. Speaker, for one single moment that an independent western Canada with five million people in one of the largest land masses in the world could possibly survive the impact of the Americans and the impact of eastern Canada, could possibly maintain any kind of cultural roots, or be anything more than the hewers of wood and drawers of water forever is irresponsibility of the first kind. And we believe that.

We believe that countries who are nothing but resource rich in this world with small populations and large land masses have proven time after time that industrialized nations can take them over. They may be able to go out and have their little puppet governments, but in the vast majority of instances they are nothing but puppets of the superpowers. To suggest that to our people in western Canada is irresponsibility. I believe it and so does the member for Swift Current.

Would the members here be persecuting us through Bill No. 105 by suggesting we're not legitimate members of the legislature and that The Legislative Assembly Act, created by this very same group less than a year ago, is not applicable to us by this new amendment which is retroactive in nature, if we had merely come over here and said we were for an independent western Canada and had 30 per cent to 40 per cent of popular support? The answer is no. They wouldn't be saying this and this bill would never have come up on the order paper if we had said we were Liberals. It would never have come on the order paper if we had said that we wanted an independent western Canada. You want to talk about the break-up of Canada? Mr. Speaker, they say that the only reason they are doing this bill is because their constituents are out there saying that they don't want to provide money to a party that's committed to the break-up of Canada. What in the name of whatever is holy do they think that talking about an independent western Canada would be, but the break-up of Canada?

It's absolute and utter nonsense. We don't believe that kind of irresponsible approach is the correct approach, that it would in the long run sell and be convincing to people, because people would realize that they couldn't survive. They couldn't enjoy the standard of living they have and they couldn't maintain any kind of cultural heritage of cultural independence. They certainly couldn't maintain an economic independence if they were a separate country. Good heavens, Mr. Speaker, imagine the problems and difficulties of a country with 25 million people, one-third of them French speaking and they can't maintain a separate identity from the United States of America! How in the name of heaven could five million people in this huge land mass called western Canada maintain a separate identity? The fact is we couldn't.

If we moved from there over to here and said that, then everything would be fine. We're going to break up the country, but we don't have a group of people saying that they are traitors. We don't want to provide money to a party for the break-up of Canada. What absolute nonsense! Conversely, if we say that we are going to be Liberals and now we're Liberals and we're a two member caucus here in the House, this bill applies beautifully. This bill would never have been brought in. And even if it had been brought in, it wouldn't apply anyway. And when it is passed and we say we're Liberals, what are they going to do then?

The bill is absolutely, utterly nonsensical. It is nothing more than an attack on people in

this country, an attack on two members of this Legislative Assembly who, using their own good judgment, decided to take a different course between elections from that which they presented to their constituents. Mr. Speaker, I've gone through already ad nauseam and I'm not going through it again: the background on the CCF doing that; the NDP doing that; the member for Qu'Appelle doing that; Winston Churchill doing that. You can name a great many precedents for this move and for what we've done.

We think that we're right. The members opposite do not. The members to our right do not. But that's not their right to decide whether we are right. It's the people's right to decide whether we're right. It's not their right to take action against members of the legislature duly elected to this body. That is not their right. It's the people's right at an election. That's what the parliamentary system is all about.

Now to return once again to the fascinating saga of Victor Berger.

**AN HON. MEMBER:** — I like Victor; he's really a terrific guy.

**MR. COLLVER:** — Well I am certainly pleased the member for Estevan is sitting on the edge of his chair waiting for this socialist (the first socialist). Actually the member for Estevan wasn't in here, Mr. Speaker, earlier, when we talked about Mr. Berger being the first socialist in the United States ever elected to office and the forefather of the government here opposite, now sitting in their cushy chairs, driving their big plushy cars and thinking that they are now part of the establishment. Here's a guy who went through hell trying to help them — sit right over there — right through hell. Mr. Speaker, the member is yelling from his chair that going through hell is somehow not parliamentary. I don't notice Mr. Speaker rising so I think I will take Mr. Speaker's comments on that before I take the comments of the purported member for Rosthern.

If it were Vollandigham, Milligan and the other copperheads . . .

We'll have to go back, Mr. Speaker, at some point and explain to this legislature what Copperheads are, in order that members can more adequately understand the saga of Victor Berger. But I am not going to attempt to do that tonight. Some other time perhaps in the future course of this debate.

. . . if they were, the Copperheads would surely have been prosecuted for this crime. The few writers who assert that the Espionage Act of 1917 created no new crimes, but that causing insubordination in the armed forces and obstructing enlistment are also treason . . .

Now you recall, Mr. Speaker, I promised not to read footnotes, but I think it is important that I read this one.

If so, the treason statute would have rendered the Espionage Act unnecessary. Instead, the treason statute proved well-nigh useless during the war.

Hear that, Mr. Speaker? An act passed to try to attack Mr. Berger, an act passed to try to attack legitimate representatives of the people in the United States proved, during the war, to be useless. I predict, Mr. Speaker, that Bill No. 105 will prove to be the undoing of the NDP should they persist in trying to ram it through this Legislative Assembly. I predict that without any doubt, before they get it through, Mr. Speaker, by the time the battle is concluded and the battle lines are drawn, they may find themselves with



closure or any number of things which are not particularly attractive to them as a government. But I also predict, Mr. Speaker, that whatever they do, the longer they persist in trying to ram Bill 105 through this legislative Chamber the more people are going to recognize the autocracy which has developed in the NDP; the arrogance which has developed in the NDP; the feeling that they can do anything, Mr. Speaker, the feeling that they, the NDP, can pass any law and if they don't like that pass another law and if they don't like that, pass another law retroactively. That's what they feel, Mr. Speaker. The law is meaningless; the law is useless; the law, Mr. Speaker, to them in this case in terms of retroactivity is absolutely useless. They don't care what it is. That is going to show the people of Saskatchewan in no uncertain terms the arrogance of this government. They want to take all power unto themselves in terms of all law and now, not only do they want to take all power without legislative review (which my former colleagues have been presenting to this legislative Chamber since 1975 – time after time, after time, after time, after time) . . . The member for Shellbrook keeps interrupting me so he didn't get the full significance of my time after time, after time, after time, after time. Now that I have that on the record I know the minister will want me to continue, or he would interrupt again and then we would have to repeat ourselves again.

Now, Mr. Speaker, it is very difficult to put your words across when the member continues to interrupt from his chair.

You see, Mr. Speaker, it will prove to the NDP and the people of Saskatchewan that, with this taking a power unto itself that it has been doing in every single bill it has brought before this legislature, people are starting to get a little concerned. But all of a sudden they jumped from the area of taking power away from Imperial Oil, away from the potash companies, by retroactively legislating oil revenue that belonged to the people (that they lost because of their mistakes), by having to retroactively change the laws relating to potash. All of a sudden they have left the area of Sask Tel. They have left the area of 148 or 150 Crown corporations taking power unto themselves. They have now left those areas, left the area of The Natural Products Marketing Act, and suddenly they are going to attack this very institution itself and its members.

Now, Mr. Speaker, the people of Saskatchewan are not stupid. I think the NDP thinks they are, but they aren't. You can only go on for so long being arrogant. You can only go on so long taking all power unto yourself. The people believe, I think erroneously, that somehow this legislature can keep them in check, that there's a means by which the Legislative Assembly can keep in check the extraordinary power this government has taken unto itself. That's what they believe. So they believe, Mr. Speaker, the Crown corporation review (which, by the way, members to my right presented a first-class review of in this session, and presented a first-class suggestion as to how to improve it) can be a check. I must give the member for Qu'Appelle some credit, since I have been taking away a little bit tonight. I'll give him some credit for bringing that forward. I must say to you, Mr. Speaker, that that, in itself, is an example of the arrogance of the NDP. O.K. that's fair enough. People think, well they take all this power into Sask Tel, they take all this power into these other vehicles, but the legislature will hold them back.

Now we find out, and we have been finding out for a lot of years (it has never quite got out to the people) that the Crown corporations committee isn't a review committee at all. It does nothing. There is no power to it. You can't question more deeply than how much did you spend? What did you do? About the best questioner in Crown corporations committee I think, Mr. Speaker, in terms of taking up time, is the member for Rosthern. What has he ever really gleaned from the Crown corporations committee?

The answer is nothing. Nothing, that's correct, zero. Because, Mr. Speaker, it's not made available. But the people are prepared to accept that because they say in their minds, the legislature will correct it. The legislature will control it.

All of a sudden in Bill No. 105, after taking all the power in the Crown corporation, after taking all the power in the Sask Tel, after taking all the power into their different departments and creating new ones, the NDP has decided to attack the very institution that people think has some control over them, the very one.

You have heard people out there say good government demands good opposition. I have heard it too. But all of a sudden, one of the opposition parties in Saskatchewan is being attacked, and attacked so blatantly, that they are passing retroactive legislation to attack them. If you don't think, Mr. Speaker, that's going to change the people's minds about all this other power you have taken, you are sadly mistaken. If you don't think, Mr. Speaker, that because the NDP has taken all those powers unto itself, but because the people believe this legislature is sacred and that we somehow . . . And any of us who have ever served in opposition side know how difficult, nay well nigh impossible, it is for the legislature to control an autocratic and arrogant government that wants to take all power unto itself. But the people believe we can. The people know we can't if the majority can take away the rights of members in the opposition by fiat, by law and by a retroactive law at that. I predict, as I said before, that this piece of legislation the NDP will learn to hate in very short order after its passage. Even their own people who have supported the NDP for years, people who have supported the CCF for years, are saying publicly, they don't like the Unionest Party and what it stands for but they have the right to say it. Even their own people are saying that . . . (inaudible interjection) . . . See, Mr. Speaker. Then it is going to be related to those people.

As a matter of fact if I were sitting in the Conservative ranks today I would be thinking in my mind I can't wait for Bill No. 105 to be passed and rammed down this legislature by the NDP, because I am going to stick an item in my newspaper and every mail-out and say to them, look here, power to Sask Tel, power to here, power to there, power to a government department and now they are going to attack the very institution which can control it. All of a sudden they are going to show up to be the most arrogant government in Canadian history. It's hard to get that message across to people, Mr. Speaker. I have been trying personally for the last seven years. To get that message across to people requires something dramatic.

Mr. Speaker, I say that Bill No. 105 is just enough drama to make that presentation. That's what I say. I say that is just enough to carry the people over the edge, when they suddenly realize the significance, of not allowing funding to a legitimately organized party within the province of Saskatchewan, as per the laws you made less than a year ago (same group). It is going to make people realize that they are going to attack, if they can, the hearing aid dealers, the hog producers. There was always the legislature to keep them in check. That's what people believe. But now the legislature no longer can keep them in check, because if they can do that to two members of the legislature, what will they do next to the PCs?

If the PCs start to get hot and do their job and really start to scare them, what are they going to do then? As long as the PCs aren't scaring them, as long as they keep getting polls which say the NDP got 54 per cent and the PCs got 27 per cent, they are going to say terrific, give them all the money they want. That's what they are going to say. I

predict, Mr. Speaker, that it's only going to be a very short order before the PCs recognize what they should be doing. I predict they are going to start making these presentations about power hunger out there in the boondocks. I predict people are going to start to see it now. People don't care, you see, Mr. Speaker, as long as they think government is held in check. People really don't care if you nationalize the potash mines. They really don't care if you take all power unto Sask Tel. They really don't mind if you have all the power over cable TV and all that. But what they do care about, Mr. Speaker, is when there is no check, when nobody any more has any check on an autocratic and arrogant government. If you can attack members of the legislature, then you can attack anybody. And the people will believe that; they'll buy that, Mr. Speaker. Suddenly the light will dawn. Holy smokes, The Natural Products Marketing Act took power unto the government. Suddenly there were no hog producers left! Sask Tel took power to the government and suddenly there weren't any computers left if we didn't have an amendment.

Suddenly there's no private sector left; suddenly it's all Crown corporations. Even then I don't think people would care, as long as they believe, in their minds, that the legislature will control a majority government.

But this bill, Mr. Speaker, is going to make people realize that the legislature doesn't control a majority government; the majority government controls the legislature. This is going to make them realize that there are other checks and balances needed in the system besides the legislature and a vote every four years.

The NDP is going to come to hate this bill when they pass it, Mr. Speaker. And do you think they're not going to be blamed? Do you think the Conservatives are going to take any of the rap for Bill No. 105? You have another think coming. You have another think coming if you believe that.

You know, Grant Devine is in the press saying we shouldn't get any money. But he also isn't in the press on whether we should be dismembered as a party. He's not in the press on that. I'm inclined to think his own caucus members are going to convince him that they had better be very, very careful about how they take a stand on Bill No. 105. They better be extremely cautious.

They can say we shouldn't get any dough because we might break up Canada. I think that was a little short-sighted because, quite frankly, I think people will come to realize we're not trying to break up Canada. But to suggest that the legislature should retroactively remove the rights of a party in this legislature is going just a little bit further than that.

So, the NDP won't like this bill and they're going to be the ones who bring it in. They're going to be the ones who are blamed for it. After this dawns on the people of Saskatchewan, as I suggest it is going to in due course, the only one who will be exempt will be Mr. Speaker, who will not be accused of bringing in this kind of repressive legislation. It will be a tremendous pleasure to sit and watch the Saskatchewan Legislative Assembly with only one NDP member left – John Brockelbank. I am excited about the prospect.

For what it's worth to the member for Kelsey-Tisdale, I might live only as long as I talk; or I might talk as long as I live – whichever way you want to look at it.

**AN HON. MEMBER:** — Either way, it's going to be short.

**MR. COLLVER:** — I don't know, Mr. Speaker, I'm in pretty good shape right now. I just had a complete bill of health and as a matter of fact on Saturday morning (I wanted to tell you this; I know it has nothing to do with Bill No. 105), I went down to a podiatrist and had my feet fixed so my feet don't hurt any more, standing here. I just wanted to let the members know, because I know they are terribly concerned since the first day I spoke on Bill No. 105 when I told them it wasn't my voice that was giving out, it was my feet. I knew they were concerned, so I went down to alleviate their concern and had my feet fixed and now they're in perfect condition. Just before I went to the United States I had another part of my anatomy fixed and now it's in perfect condition. I am just absolutely ready to go.

The member for Kelsey-Tisdale says he hopes I don't have to use it here. I must tell him a funny story. I was in the Hotel Saskatchewan the other day and I was ordering breakfast. I usually go down there and order prune juice, but I was due to speak on Bill No. 105 that day. The waitress came up to me and said, aren't you going to have your normal prune juice? I said no, I'm not going to have it because I'm probably going to have to speak on that bill today. She said, well, why don't you take it anyway; maybe they might take notice of what you're saying. Well I thought it was funny; maybe you had to be there.

**AN HON. MEMBER:** — That might be a good idea.

**MR. COLLVER:** — Mr. Speaker, I don't want him to caution me any more about being . . . (inaudible interjection) . . . Mr. Speaker, you couldn't rule that I was off the topic (could you?) for replying to legitimate questions from members opposite? I hope they continue them because they are just wonderful.

They are really slowing me down, Mr. Speaker. Good grief, I'm still at Victor Berger. I want to hurry up and get to the five New York socialists. But we will get back to Victor Berger now because it is important.

The few writers who assert the Espionage Act of 1917 created no new crimes but that causing insubordination in the armed forces and obstructing enlistment are also treason, are forced to rely on one or two sweeping judicial definitions like Lord Reading's charge in the trial of Sir Roger Casement, (which is not an American case, Mr. Speaker) that it is giving aid and comfort to the enemy to do any act which tends to strengthen them or tends to weaken the power of one's own country to resist.

Mr. Speaker, just before I go on, could I ask, is it possible that someone has shut the air conditioning off in this Chamber because it seems to be getting very, very still in here? Or is it just my imagination? Because I am looking across and there are a great many people sweating in their places. I certainly am sweating in my place. Is it possible the air conditioning could have been shut off? Perhaps I am coming down with the flu or something. Wouldn't you love that? Well, I just wanted to suggest if the Sergeant at Arms could check on that . . . (inaudible interjection) . . . Well, I hope so. Nice warm day; nice warm night; nice and warm in the Chamber; I hope everybody goes to sleep.

. . . aid and comfort to the enemy to do any act which tends to strengthen them or tends to weaken the power of one's own country to resist. So broad a statement would, if taken literally, revive all the evils of constructive treason. But it must be limited with reference to the particular facts which the jury

were considering. Casement had issued a proclamation to Irish prisoners in Germany urging them to form a regiment in the German army. The use of words in an attempt to gain recruits for the enemy is absolutely different from telling your fellow-citizens that they ought to stop fighting. It may be that the latter is so dangerous that it must be punished, but only as sedition which consists of words creating disaffection. Treason requires overt acts of direct assistance to the enemy. The distinction is fundamental. It is inconceivable that the trivial utterances which were held criminal under the Espionage Act because of their bad tendency in the supposed intention to hinder the war were already subject under the treason statute to a death penalty.

The distinction is clearly brought out by the kind of conduct which has been held to be 'giving aid and comfort to the enemy,' for example, furnishing money, troops or arms, saltpeter for gunpowder . . .

Now, Mr. Speaker, I have never once suggested that any Canadian politician should take saltpeter, never once, even though from time to time, it appears obvious to all that some need it more than others. He's not in the House right now. But some need it more than others; some, not to the same extent.

**MR. R. PICKERING (Bengough-Milestone):** — Point of order, Mr. Speaker. Mr. Speaker, my point of order is simply this. What has saltpeter got to do with Bill No. 105?

**MR. SPEAKER:** — I didn't hear the comment about saltpeter. I am having some trouble relating some of the subject matter the member for Nipawin is using in relation to Bill No. 105. Some of the subject matter, in connection with Bill No. 105, is tenuous to say the least. And I've mentioned to the member for Nipawin that he should attempt to make all his comments relevant to Bill No. 105. I gave the member fair warning two or three times now on the same topic that he should be relevant to the principle of the bill before us. And at a certain point in time, I will decide that I cannot keep the member in order any longer and I will then pass on to the next speaker. I don't want to threaten the member in any way whatsoever, but I have warned the member at least three times. I just take this opportunity to reinforce that, and to agree with the member for Bengough-Milestone that I don't get the connection.

**MR. COLLVER:** — Well, Mr. Speaker, I'm sorry you don't get the connection and I'm happy you wish to make your feelings known. However, the title of this text is Free Speech in the United States. I intend to move an amendment which I have already read in this Chamber, which says in no uncertain terms and with no question about it that Bill No. 105 is against the principles of free speech. I am attempting to prove that it is against the principles of free speech. I am entitled, I believe, in debate to bring about what I consider to be relevant information on this bill as long as it relates to the bill and the amendment I intend to move. I already stated at the commencement of my remarks that free speech is one of the things this bill is attacking. And it is attacking it by keeping members of this legislative Chamber from associating in any way they see fit. And it is attempting to use the government's power of majority to change the rules of the game in mid-stream, against two members of the Assembly because of what they stand for.

Now, Mr. Speaker, I intend to read from this book. I intend to read the case of Victor Berger, which is an example of a representative in a free-speaking country being stepped on by the powers that be; and the gentleman who wrote this text is merely passing along some of his comments on the case. If Mr. Speaker rules me out of order and passes along to someone else, so be it. But that's what this book is entitled, Free

Speech in the United States. This particular chapter of the book is called Purifying the Legislature, and it's this gentleman's opinion that these are examples – I've read one from Britain; I'm now reading one from the United States – of how a majority attempted to purify the legislature by passing just such repressive legislation as Bill No. 105. You may decide, Mr. Speaker, as you will, but I believe it is relevant.

**MR. SPEAKER:** — As I said before, I don't wish to get into the debate with the member, but the member will recall that I did not at any time rule the analogous situation of Victor Berger out of order. If the member wishes to move an amendment, I can only deal with amendments once they're in my hands. And until such time as the amendment is in hand, I have to assume we're speaking on the motion before us; and the same rule of relevancy applies to amendments as applies to the debate here. If the amendment, when it comes forward, is in order, fine. Anything the member says now has to be spoken to the bill.

**MR. COLLVER:** — Mr. Speaker, I'm sorry, but I must request a ruling because, upon checking with the rules and checking with others, it is my understanding that as the speaker to this motion, if I announce I am making an amendment and I make the amendment, I am deemed to have spoken to the motion plus the amendment. Therefore, I have no opportunity to speak to the amendment except to tell you what amendment I am going to move and then speak to the amendment because I have no other opportunity to speak to the amendment.

Now surely that is correct and therefore I am speaking concurrently to the motion and the amendment. If that is not true, Mr. Speaker, and I have an opportunity, having moved the amendment to once again speak to the amendment, I would like Mr. Speaker to tell me so now and I would be more than happy to give way to other gentlemen in this Assembly, as long as I have an opportunity to come back on the amended motion. I do not believe I do, Sir. I believe I am speaking to the amendment I am about to propose and the motion concurrently. Is that correct?

**MR. SPEAKER:** — Well, I don't think the member for Nipawin should attempt to put some other interpretation on what I have been citing to the member for Nipawin. I have merely said that any amendment the member moves must be relevant. My first observation is that a lot of the stuff the member has been talking about this afternoon and some of this evening has been irrelevant.

Now I don't know whether that applied to the amendment or whether the member was just off the topic. But I've drawn it to the member's attention several times that he was off the topic, which is the principle of this bill.

I assume that if he's going to move an amendment, it's going to be relevant. Otherwise I'm not going to accept it. So obviously he's speaking to his amendment before he moves it. And I don't think that's any different than any other time that amendments are offered in this House.

But I suggest to the member that if he is called out of order he can't say that he's intending to move an amendment and therefore he's not out of order. His amendment has to be in order with the bill and his discussion of the amendment or the bill has to be in order. That's all I am saying to the member.

**MR. COLLVER:** — I do understand. But if I say Bill No. 105 is against free speech, I'm sure Mr. Speaker would not interpret that as being out of order. And if my statement

that the bill is against free speech is not out of order, then surely I'm entitled to cite references on free speech in the United States, Canada and elsewhere to prove that free speech applies to this kind of situation. Thank you, Mr. Speaker. That's precisely what I am doing. So for the benefit of the member for Bengough-Milestone, saltpeter is quoted in this text and that's what saltpeter has to do with Bill No. 105. Now I've lost my place and I'm liable to go back again.

**MR. SPEAKER:** — While the member is finding his place I might say that in referring to an analogous situation such as the member interprets Thomas Berger's situation to be, he can't recite all the irrelevant matter related to Thomas Berger in support of this debate. All he can cite with regard to the analogous situation is that which is pertinent to this bill and the principle thereof.

He can't discuss the stats of the civil war in the United States. He can't discuss the Canadian constitution or anything else. He has to relate to the particular bill before us. And that's all I'm saying. I just want to keep the member on the subject because later on I'm going to have to keep other members, I assume, on the subject as well.

**MR. COLLVER:** — Well, I hope you would, Mr. Speaker. I lost my place, but I want to return to the case of Thomas Berger because I believe it is analogous to free speech. I say this bill is against the principles of free speech. I'm not going anything beyond. I'm not telling any of the details of Thomas Berger's life. It's merely taken from this book called Free Speech in the United States, a chapter called Purifying the Legislature.

The distinction is clearly brought out by the kind of context which has been held to be giving aid and comfort to the enemy. (There I am repeating saltpeter so I won't do that.) Contrast these acts which advanced the cause of the enemy by their immediate effect with newspaper articles attacking the war which may encourage the enemy but do not promote his success in any tangible or measurable way. The result is indirect and purely mental. It is true that words do sometimes constitute treason, as when a letter with invisible ink is sent to the enemy containing military information, or a wireless message. Here language has all the qualities of action because it furnishes the enemy with something he can use. It is treason if he be given a gun to batter down a fort, or a photograph of its plan or a written description. That the last is in words is immaterial.

Now Mr. Speaker, with reference to Bill 105, it is attempting to bring about a persecution of members of this Legislative Assembly because of what they are purported to believe in, what they've said. We have not been convicted of treason, nor have we committed any overt act of any kind whatsoever against the state.

We are in fact complying with all of the laws of Canada, and all of the laws of Saskatchewan. There's exactly the point. We are complying with all of the laws of Canada and of Saskatchewan, but the NDP doesn't think they are good enough to control those guys. The NDP doesn't think they are enough to batter them down. Oh, no. They think they have to change the laws retroactively so that those members of the legislature wouldn't be able to do their jobs as well as every other member of the legislature.

You know this all came about, Mr. Speaker, by the overexaggeration of grant moneys put forward by the member for Rosthern. He went running around adding up all the totals, and said, oh my god it's a terrible amount of money. The very day we announced

the formation of the Unionest Party, the member for Rosthern was running around about the amount of money.

It's too bad the member for Rosthern didn't pay more attention to what the real laws are. I think it's too bad he didn't try to understand what the law is. You know the member for Rosthern from his seat today said, as an independent member you are able to get the same benefits as every other member of the legislature. I wonder if the member for Rosthern recognizes that if this bill passes we become independent members.

Mr. Speaker, that allocates just in money, and everybody here obviously wants to talk about money, \$2,500 per member for secretarial help and research. That's all. That's it: two members, \$5,000 a year. That's what you get in total, 100 per cent, plus three hours per day while the session is on for a medium grade secretary. So two members get one secretary for six hours a day only while the session's on, plus \$5,000. That's what they receive, for the benefit of the member for Rosthern . . . (inaudible interjection) . . .

Oh, you see the member for Rosthern says I'm wrong. Well, if I'm so wrong, member for Rosthern, go talk to the Clerk of the Legislative Assembly who awards these grants, and who informs members as to what they receive. The fact is that the member for Rosthern doesn't know which end is up or whether it's punched or bored.

**SOME HON. MEMBERS:** — Hear, hear!

**MR. COLLVER:** — I want to get finished with the case of Thomas Berger. I think one of the reasons Mr. Speaker said that I'm off the topic here is because I'm dragging on so long that people forget the very importance of this important case of Thomas Berger. I'm going to conclude it very shortly, Mr. Speaker.

In just a very short time we can get right on with the five New York socialists example of socialists being persecuted through legislatures by . . . (inaudible interjection) . . . Mr. Speaker, isn't that awful. Those members across there are trying to suck me into achieving your wrath. I think that's dreadful. They are trying to get me. One of them said, tell us all about Gary Lane. Everything you've always wanted to know about Gary Lane and are too proud to forget. I can truthfully say, I'm resisting the temptation, Mr. Speaker. Thomas Berger . . . (inaudible interjection) . . . I'm not going to yield to it, Mr. Speaker. Thou shalt not have temptation that one cannot resist. But it's hard to resist that one because, Mr. Speaker, in the light of Mr. Eisler's recent column in the press since it is all out in the open now, I am sure the member for Qu'Appelle and the member for Nipawin could certainly present some interesting dissertations to this Assembly . . . (inaudible interjection) . . . You would rather have that? Well you tell Mr. Speaker not to rule me out of order and we might get right into that stuff. I want you to know, Mr. Speaker, that last little bit there I didn't feel was too consequential so I left it right out. I am saying that for the benefit of the typists who have been coming up and borrowing the text from time to time. We are up to the (d) and there's only (e) to go on Thomas Berger, so there's (d) and (e) and now we are talking about (d).

Was opposition to war or other seditious speech a disqualification for membership in Congress before the World War?

Now we are really going to get into it here.

It is not an easy matter to decide what disqualifications had been added by



Congress to the five constitutional grounds of ineligibility. The courts have uniformly denied that they have any power to review either legislative expulsion or legislative decision on the qualifications of members in so much as the constitution expressly vests the sole jurisdiction in the Chamber involved.

Now, Mr. Speaker, that's true in Canada as well. The constitution vests sole discretion in the members of the legislature, except when the legislature is ultra vires of the constitution. And, Mr. Speaker, when the legislature of a province passes a law which is contrary to the Canadian Bill of Rights it is ultra vires of its jurisdiction. That gives one a tremendous basis on which to go to court and on which to fight in open court the constitutionality of this law. I have alerted the Assembly this afternoon and I alert them again, if they pass this law it will be yet another law which is tested before the courts of Canada.

Now you see, Mr. Speaker, these guys think they are going to get away with just whatever time it takes Colver to stand on his feet and present this case to the best of his ability and when he gets too tired or sounds like he is going on too long we will shut him down and we will ram it right through this legislature. We are all done; we are all finished with Bill 105. Oh no you are not! The people of Saskatchewan are going to hear about Bill 105 through the courts of our land, if it is passed; it is ultra vires because it is opposed to the Canadian Bill of Rights. The province of Saskatchewan has no right to pass a law which is in opposition to the Canadian Bill of Rights.

Now, Mr. Speaker, perhaps they in their wisdom can pass a law that is ultra vires or opposed to The Saskatchewan Bill of Rights Act. We have been able to show (not with any great detail yet and I intend to return to that argument to present some facts and figures on it), I think, that this bill is ultra vires to The Saskatchewan Bill of Rights Act. But they may not pass a law that is against the Canadian Bill of Rights, because that is ultra vires; it is outside the jurisdiction of a provincial government.

Now, Mr. Speaker, I ask the members opposite this question. When that keeps coming up in court as it is bound to do from time to time (the members will know that I have some knowledge about how often things come up in court, even before they get to trial or to a judge) you would be amazed at how interested the press is in asking how things are proceeding with that case. You'd be absolutely amazed at how interested they are, and how they give it front-page coverage every single time, Mr. Speaker. Something which is before the courts – front page it. Now isn't that going to be fun? Running into the next provincial general election – isn't that just going to be a jim dandy for them, Mr. Speaker?

They're going to ram this bill through. Then it's going to be before the courts and you may rest assured, Mr. Speaker, that this will keep coming up. If you're prepared to justify it, fair game. If you think the people of Saskatchewan are prepared to accept this and all the other power plays you've made, fair game. If you think an attack upon a duly constituted legal party in Saskatchewan is not an attack on the very principle of the legislature; if you think the people of the province don't recognize that, when Professor McConnell, the constitutional law expert at the University of Saskatchewan, says it is (and he's not even a Conservative or a Unionist; he was an NDP, as I recall – I don't know that, but I think it's true).

**AN HON. MEMBER:** — No.

**MR. COLLVER:** — Thank you, Mr. Speaker. I didn't know of any professor at the College of Law in Saskatoon who wasn't NDP. He wasn't there the last few years — whoever shouted out Otto Lang.

So the point is, Mr. Speaker, this is going to keep coming before the people. That's all; that's all I'm alerting the members to. We will have our little set-to here and then it will be up to the courts of the land to decide whether a legislature of this country can go completely against the Canadian Bill of Rights. I wonder if I could just, while I'm on my feet, ask the member for Swift Current if he could find that amendment — I can't find it anywhere.

Now, Mr. Speaker, the courts have uniformly denied they have any power to review, and I've said that already. So practically all the precedents are legislated. These precedents rarely afford a satisfactory formulation of the principle on which the House, acted, which can be . . . thank you, thank you.

Isn't that sweet. You know, Mr. Speaker, someone just yelled across, give him a kiss for doing that for me. You know, Mr. Speaker, in keeping with a past debate in this legislature, I think I'll refrain from doing that because I wouldn't like to be accused of being the accuser. See? Practically all the precedents are legislated. But it was interesting to note that comment about giving a kiss came from the NDP side of the House. I want Mr. Speaker to remember that.

A legislature is not by nature a judicial body. Its members are chosen and organized for carrying out policies, not, like judges, for the sole purpose of thinking together. Do you hear that, Mr. Speaker? We're not supposed to think together. Isn't that astounding? The members of this legislature are not supposed to think together. Now, Mr. Speaker, I suggest to you that's precisely what Bill 105 is designed to do. It is designed to try to force and coerce members of this legislature to think together. Be like we are; think like we do; accept things the way we do, and we're happy to have you join our club, fellows.

But think a little differently; develop a new line of thought; go a little further; make some suggestions that maybe the members here haven't thought through yet. Oh, that's going too far. You're outside the club now. We don't like you, and because of that we're not going to accept you into this cushy little club. We're not going to let you perform your job as well as anyone else. Not for a second, Mr. Speaker. We're not going to let you perform a job like anybody else. All we're going to let you do is be independents in this legislature; that's what we're going to let you do. So you won't have sufficient moneys (and never mind the moneys because we really don't care about that) to hire one secretary. That's what they want to damn us to, not one secretary.

Well, with or without a secretary, Mr. Speaker, I can assure you we're going to present our case. They give \$75,000 a year in Alberta for one NDP member of the legislature, who by the way, Mr. Speaker, represents in terms of popular support in Alberta less than the Unionest party is estimated to have now in Saskatchewan by the Canada West Foundation. What do you think of that — five secretaries for Grant Notley in Alberta? The member for Bengough-Milestone says, let's get on with this one. If you want to talk money, we'll talk money. What you want to do is to deny us even one. Sure, that's terrific! Every other member gets a secretary; every other member gets research officers, but not the Unionest Party.

Mr. Speaker, let's not for one minute allow ourselves to fall into the trap of believing the people are suckers, because they are not suckers. They know what you are doing here as well as you do. What you are doing here is setting aside two members of this legislature because of what they believe, saying we don't want them to be able to do their job as well as every other member of this legislature. That's what you are saying by this bill.

I have already, Mr. Speaker, committed to this House, to the Clerk, and to the province of Saskatchewan, that as far as personal moneys are concerned, it is going to the United Fund of Nipawin. That is a commitment which has been made, signed and finished. It is not for personal money. Mr. Speaker, to be quite frank that particular section of the act is a little untoward. I don't think a member should be able to cross the floor, form the Unionest Party, declare himself the leader and get paid for it. Personally, I think that is wrong. It shouldn't happen, so I would give the money to charity and forget it.

What we are talking about here is an attack on a political party; whether you want to trust it or not, it is a fact. That's what it is! The only way to adjust that is for the money to be either refunded (which goes to me personally) or to be given to charity. I chose to give it to charity. You can decide to do what you want with it. You may pass the bill; it doesn't matter to me. But the point is, Mr. Speaker (and I don't want any confusion) this bill attacks two members because of what they believe.

The courts have not interfered in the United States on that and they haven't interfered often in Canada. But I believe they will interfere in this case because I believe it is impossible for anyone to justify before man or God what this bill intends to do – not in the light of current events, not in the light of what happens in the province of Alberta or the province of Manitoba or any other province. Oh no, this bill is designed to retroactively change the rules of the game because of what members think. The courts, I think, will hold it to be ultra vires to the Canadian constitution; so do some very fine lawyers who have taken the Government of Saskatchewan to court before and won. That will be interesting because that case will come up just about the time the next provincial general election is due to roll around. That's about when it will come before the courts. Let me assure you the same lawyers, who beat the Government of Saskatchewan every time they have had them in court, will carry this one through too.

Only this is different, Mr. Speaker, this is not the big potash companies; this is not the big oil companies such as Imperial Oil, Exxon; these are two members of this Legislative Assembly who are being attacked. Do you think the people are going to buy that? I don't.

These precedents rarely afford a satisfactory formulation of the principle on which the House acted, which can be automatically applied in subsequent cases after the manner of the court's decision. A legislature is not by nature a judicial body. Its members are chosen and organized for carrying out policies and not for thinking together. (Now I have got off the track there, Mr. Speaker, because it was thinking together that led me to make those few remarks.) When they are called upon to perform judicial duties in trying impeachments and charges of bribery, the most earnest efforts to attain impartiality hardly prevent them from being swayed by party motives, and their debates lack the training and the restraints which mold the words of judges.

I wonder if Mr. Speaker remembers the so-called court case in which Mr. Helmsing was

brought into this Chamber, just to remind Mr. Speaker that this Chamber is not a court and cannot be a court. We are not supposed to think together. We are supposed to present views under the adversary system where the people decide, the people judge what those views are.

The Lorimer case brought out these qualities of a legislative trial. Moreover the basis of a legislative discussion is often obscure because of the number of persons who join in the debate. Sometimes the only certain fact is that the member was or was not unseated. It is significant that the Wilkes case led parliament to delegate the trial of controverted elections to a tribunal of judges. The Berger and New York socialist cases (first introduction to that one, Mr. Speaker) might well lead us to consider establishing a preliminary investigation by judges instead of a legislative committee, and thus obtaining the benefit of a trained judicial opinion as a basis of the action of the House

Now that's interesting, Mr. Speaker. What this gentleman is suggesting is that before we take actions like we are taking in Bill No. 105, we should present them to a judicial committee. I don't agree with this man in this case. I think and thought and believed that the members of this legislative Chamber were sincere enough and understanding enough and reasonable enough that they would not bring this upon themselves, that they would not bring this kind of legislation before this Chamber. Quite frankly, Mr. Speaker, it is degrading to have to debate this kind of legislation when you are a member of the same group of people who created it less than a year ago. It's absolutely degrading.

You know, Mr. Speaker, as I said the other evening, we did that bill, The Legislative Assembly and Executive Council Act, over the full session in 1979. It took five or six months. Every single member of this Chamber was actively involved in the discussions of that bill. I am not going to relate some of the private squeeze plays that were attempted to try to jack up the pay for the MLAs and to find means to obtain more expense moneys by playing over here and fiddling over here. I can only say that over the course of the five months it became apparent that the member for Rosthern was quite an expert at that game, at piling up all of these points and features in order to get a lot of research moneys out to be able to so-called do the job in the legislative Chamber and get more money for each of the MLAs. Many private agreements and deals behind closed doors were reached. O.K., we'll go for this if you don't speak against this. You'll recall that. Every member of the legislature was actively involved.

What this degrading motion is doing to this legislative Chamber is saying that every member in this legislative Chamber last year didn't pass a law that was reasonable to all after all that negotiation.

They didn't pass a law that thought out all the contingencies. What that is saying is that every member of this legislature last year was a dolt. That's what this bill is saying. Mr. Speaker, there's a good word. I don't know if that word is unparliamentary or not. It means stupid. I know you're not supposed to say stupid, but perhaps dolt is not an unparliamentary word. I'm not referring to any specific member; I am saying this bill shows we were all dolts. None of us knew what we were doing. We passed a law after all those months of negotiations which didn't take into the account the fact that two members might decide to think for themselves.

Do you think the people are going to buy that? I don't. People are not dumb. Well, some

member yells across, do you want to bet? No, I don't think they'll buy that at all. I think the people know full well why this bill is before the Chamber. We don't want our tax dollars going to anybody trying to break up Canada. That's what they are saying. That's what they are saying but not as many of them are saying it any more.

More and more of them are starting to think, maybe that's wrong. Maybe we're cutting off our noses to spite our faces. But that's the way it started out, Mr. Speaker. That's the way it started out. The point is that the people of Alberta think just as strongly against the nationalization of industry as the people of Saskatchewan think about joining the United States of America . . . (inaudible interjection) . . . Maybe they don't like the nationalization of industries because the Government of Alberta, the Conservative Government of Alberta, is nationalizing a lot of industries. I don't know, but they certainly don't buy what the NDP has been trying to sell them over there. But they provide their member, one lone member with \$75,000 a year for research and secretarial help.

This bill, at its worst . . . (inaudible interjection) . . . Oh, well, I can sincerely say to the member for Rosthern that I do not need his help. I thought that's what I told him about four months ago, sure as heck. But I'll tell him more directly today – I don't need your help. I can honestly make it on my very, very own.

Do you remember the old song that came out years ago? It went like this: I got along without you before I met you and I'm going to get along without you now. That's the way I feel and I'm sure the member feels the same way.

I wanted to get back to the case of Victor Berger, Mr. Speaker.

When a representative was charged with having cruelly whipped Negro soldiers under his command and bribing them not to testify against him before a military court, Garfield asked if anything in the constitution and laws of the United States forbade that a moral monster should be elected to Congress.

The House also refused to inquire into a charge of seduction and the Senate into one of embezzlement. There is some authority that a man who has been convicted of crime after his election to legislature should not be allowed to occupy a seat. But still there is a sharp disagreement whether he should be excluded or expelled. The reason for declaring the seat vacant is that his constituents should have the opportunity to reconsider their votes if they were cast in ignorance of a fact which so materially affects his fitness for office. ( I agree with that too.) This argument supports the first exclusion to Berger in 1919 but not the second in 1920, for the overwhelming vote received by him at the second election, after his conviction, made it clear that the electorate considered guilt under the Espionage Act no disqualification for the representative in Congress. The Wilkes case established the principle that such a decisive expression of opinion given with full knowledge of the offence of sedition should not afterwards be overridden by one branch of the legislature. Indeed, the House of Representatives went one step farther than the House of Commons, for Wilkes when disqualified was in prison and wholly incapable of serving, but Berger was out on bail pending an appeal. His conviction might be reversed (as it was in 1921); and he was capable of taking his seat. An American precedent is Matthew Lyon, who was elected to Congress by voters who had full knowledge of his prosecution under the

Sedition Act of 1798. He was allowed to qualify, and when he was subsequently convicted and imprisoned the House of Representatives by a close vote refused to expel him.

Now, Mr. Speaker, I just want to mention a case in Canada. One of the members opposite asked for a case in Canada some time ago. You will recall an NDP member from British Columbia. His name was Frank Howard. Frank Howard presented himself to the people of his constituency as a man without blemish.

**MR. N.E. BYERS (Kelvington-Wadena):** — Mr. Speaker, we heard the Frank Howard story the other night. This is needless repetition.

**MR. SPEAKER:** — I have heard some of the things the member for Nipawin has said three times now. I have heard Mr. Howard's name mentioned and I would caution the member about it just so we don't get into a point of order of not relating the same situation again to the Assembly.

**MR. COLLVER:** — I believe the member for Kelvington-Wadena did not actually read from Hansard as to exactly what I was supposed to have said about Frank Howard. I believe I did mention him briefly in passing. I wanted to go into it in more depth tonight because . . . (inaudible interjection) . . . Well, I don't recall going into it in depth. If the member wants to . . . (inaudible interjection) . . . How many minutes? Is the member going to rise on his feet on a point of order and say that I talked for 12 minutes on Frank Howard?

If that's true, Mr. Speaker, then I did in fact tell the entire Frank Howard story. I'd be happy to go on to another point. I take it the Frank Howard story doesn't appeal to the members opposite. I take it they don't like the example because between elections he revealed that he was a criminal and had been arrested and convicted of a crime. He went back and took his seat and no action was taken against him. I guess they don't like that.

Between elections something happens to change. This man was actually convicted of a criminal offence, even though he hadn't told his constituents about it. Subsequently that was revealed and nothing happened in our parliamentary system. Nor should it have happened . . . (inaudible interjection) . . . What does that have to do with the bill? Nothing? Oh, my goodness, for the benefit of the members of the House, I vowed to do this before. Surely, you can't tell me it is out of order (maybe it is) to read the bill. I hope you'll let me do it because I want the members opposite to understand what this bill says.

Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

1. This act may be cited as The Legislative Assembly and Executive Council Amendment Act, 1980.
2. The Legislative Assembly and Executive Council Act is amended in the manner set forth in this act.

Mr. Speaker, rather than read the actual bill, I'll read the explanatory notes for the benefit of the members.

Clause 2(1)(d) presently reads as follows:

The 'Leader of the Third Party' means the member who is the recognized leader of two or more members constituting the second largest group sitting in the Assembly in opposition to the government.

That's what it is today. Explanation: the change in the definition of the leader of the third party will ensure that only leaders of those parties registered in accordance with The Election Act before the last general election can receive the grant and allowance under section no. 63.

Now, isn't that interesting, Mr. Speaker? Isn't it interesting that one year ago a certain kind of leader of the third party was recognized, but now it has to be a leader of the third party, registered prior to the last general election. Now, Mr. Speaker, won't it be interesting if, for example, after the next general election the Progressive Conservatives are the third party, and they decide to change their leader. They decide to change their name as the NDP did. Won't it be interesting when they are ruled out because of that section? – 3(2) clause 22(b).

The member for Shellbrook seems to suggest that I did something wrong, that I, as an individual member, am not allowed to sit as an independent. Another man decides to sit as an independent. We find our views are coincidental and form a party under The Elections Act. Is the member trying to say that party is not recognized under The Election Act? Because, if so, he's going against the chief electoral officer. He's only saying, Mr. Speaker, that an individual member of the legislative Chamber may switch to an existing third party, but may not switch to a party of his choice. Isn't that an attempt by the legislature to tell members how they should think? Yes, it is Mr. Speaker.

You can switch to the Liberals, Mr. Nipawin, and then you are O.K. under that act . . . (inaudible interjection) . . . Well, I don't think it would be up to Ted Malone to have me or not to have me. I don't think it would be up to anyone to have me or not have me. If I stated that I was a member of the Liberal Party in Saskatchewan and could produce a duly constituted card (which by the way, there are constituency associations that would cry to get it), I would think that would be acceptable. I don't think their constitution rules against it.

I know this much; the Progressive Conservative Party of Saskatchewan cannot write off a member who is duly entitled to join. Nobody in that party can kick another out, so either they change their constitution, (and the Liberal Party is no different), or any member of this legislature can join another party and they would be perfectly acceptable . . . (inaudible interjection) . . . Well, I'd hate like heck to produce my NDP card right now. I won't.

Mr. Speaker, it might interest the members to know that today (and you understand I speak because I know that I'm required to tell the whole truth and nothing but the truth) I received a call. The member for Swift Current received one on Friday. Do you want me to tell you what the call was? The call said this. Hello, Mr. Collver. Yes. I represent the PC Canada fund out of Ottawa. I know you gave rather considerable amounts to the party in the past. I wondered if you'd be interested in keeping up your membership. My answer was, I don't think you want me. She said oh, we want you because you gave a lot of money to the party. That's today, Mr. Speaker. Don't tell me that political parties in Saskatchewan are so up to date that they are going to keep track of all their members right off the bat, because the member for Swift Current got the call on Friday. Hello Mr.

Ham. I represent the PC Canada fund in Ottawa.

When I belonged to that party, I don't remember having so much money that I could afford to phone all over the country to ask them if they would renew their membership. And what would concern me is if they are using their franking privileges out of Ottawa to phone all over the country to find out if you'll renew your pledge to PC Canada fund. So you see, Mr. Speaker, I don't think political parties in this province have such tremendously updated records that they're going to keep track. I can assure you the Liberal Party in Saskatchewan would be no different. None at all.

Now, Mr. Speaker, I'll go to clause 2, because members haven't read the bill.

For the year 1980 and each subsequent year, the amount that is obtained when the adjusted amount for the immediate preceding year is multiplied by the proportion that the industrial composite for the first amendment year is of the industrial composite for the second adjustment year.

That was what the old bill read. The amendment will permit the various salaries, allowances, etc. provided for in the act to be rounded off to the next lowest dollar. I don't think anybody objects to that, Mr. Speaker, in order to get pennies. It's going to round it off. I don't think the Government of Saskatchewan would bring in an act to this legislature and have it discussed before this legislature because they were amending the act to round off the numbers to the next lowest dollar.

Clause 4, section 11, presently reads as follows:

Notwithstanding any other act, the receipt by a member of any payment made under this act does not disqualify him from being a member or for sitting or voting in the Assembly.

The new part of the bill is:

Notwithstanding any other act or law:

(a) the receipt by or entitlement of a member to any payment or benefit of any allowance, grant, indemnity, disbursement, reimbursement, or salary under this act;

(b) the appointment of a member as a Speaker or Deputy Speaker of the Assembly, leader of an opposition party, whip or deputy whip, member of the Executive Council, legislative secretary, coroner, justice of the peace, notary public, official auditor, official trustee, registrar of vital statistics, or commissioner for oaths or the appointment of a member of the Executive Council as a chairman, vice-chairman, director, or member of a Crown corporation;

does not, by reason of the acceptance thereof or by reason of any profit, emolument, or benefit or in respect thereof disqualify him as a member of the Assembly or from sitting or voting in the Assembly and does not require him to vacate his seat in the Assembly.

In new section 11, the explanation goes:



Makes it clear that the acceptance of various officers from or under the Crown, the entitlement to benefit therefrom and the receipt of payments under the act, does not disqualify a member from sitting and voting in the Assembly.

Well, Mr. Speaker, I don't think anyone questioned that. No one has bothered to question that in this Assembly before, so I don't think that's of particular interest in this particular act.

Now listen to this, Mr. Speaker. Just listen to this one. Here's the crux of this act for the benefit of the member for Rosthern. Section 5 – and I'm not going to read the whole section – here's the explanation.

The allowance for the leader of the third party in the grant for his office will take effect either from the day he is elected a member or the day he became the leader of the third party, whichever is the later.

Now, when did the Leader of the Opposition become the leader of the third party? When did the Leader of the Opposition become Leader of the Opposition Party? Never! Never! He is not the Leader of the Opposition Party . . . (inaudible interjection) . . . Ah, Mr. Speaker, you see. In the House he is, said the member for Shellbrook. That's precisely correct. He was selected by his caucus and therefore he is the Leader of the Opposition. Therefore, because he was selected within the House, he is the Leader of the Opposition even though he was not selected leader of his own party . . . (inaudible interjection) . . . Ah, this Assembly can't recognize anyone outside this Assembly, but the Assembly does recognize people selected from within the Assembly. That's quite correct, Mr. Speaker. Therefore, any caucus, whatever the definition of a caucus is, can select a leader. You see, any caucus can select the leader. In Saskatchewan the definition of caucus is two or more members.

Did you know that there is no amendment in this bill to adjust that? That's right. You see, they didn't know about that. There's no amendment in this bill to adjust the caucus. The member for Swift Current and the member for Nipawin are still a caucus. The Conservatives select a leader from their caucus and this House recognizes him. In Saskatchewan two or more members are a caucus. We select a leader from our members; that's not acceptable. You see, Mr. Speaker, it's absolute and utter nonsense.

This bill again is nothing more than an attack on members of this Assembly, because of what they stand for and because of what they believe in. No amount of manipulation or juggling by members opposite can change that.

Most of the exclusions from Congress before 1919 were offences which had expressly been made a disqualification by the act of Congress. The most important of these statutes was the Test Oath Act of July 1862. At the outbreak of the civil war, several southern senators and representatives were expelled for their treasonable conduct in remaining permanently absent from their congressional duties and either taking up arms against the government, or entering the confederate lines and actively participating in the rebellion.

Well, now, no sane person in Canada, Saskatchewan or anywhere else, could possibly accept members of the legislature, running out, joining a rebellion, taking up arms

against the government, and expect them to continue on in their seats, or expect them to continue receiving any emoluments from the House. No sane person could do that. Of course those people had to be brought to justice and listen to what happened.

On the other hand, both Houses refused to expel members from border states who had committed no overt acts, but had vigorously opposed by speeches, the prosecution of the war by the North.

There's the difference, Mr. Speaker. If you take an overt act against your society, against your state, then you commit treason and are subject to whatever the state or the legislature decides to do. But if you merely talk against it and try to convince people of the wrongness of their position, you break no law and therefore are entitled to all the benefits of full membership.

After more than a year of fighting, the matter was regularized by a statute obliging representatives and senators to swear before admission that they had never borne arms against the United States, given aid, countenance or counsel to the enemy, or yielded a voluntary support to any government. It is noteworthy that although the terms of this statute concluded much more than treason, the ironclad oath was not used to bar members for personal disloyalty or passive sympathy with the rebellion, or for speeches denouncing the war as an abolition war and opposing any further aid toward its prosecution. Thus even in the heat of the civil war, disloyalty was not a bar to an elected member, until it was expressly made so by a statute, and not then unless it was evidenced by actual aid to the enemy or words of acute virulence. Some doubt was felt upon the validity of the test oath. And in 1868 it was virtually superseded by section 3 of the fourteenth amendment on which the exclusion of Berger was wrongly based.

The Church of Jesus Christ of Latter Day Saints is a much more closely knit and powerful organization than the Socialist Party, and instead of being legalized by statute has frequently been made the object of adverse legislation. Consequently the decisions upon the admission of Mormons to Congress are much in point. The constitutional question was not squarely raised while Utah was still a territory because delegates sit only by leave of the House. Nevertheless, the decisions of that time make the distinction which I have emphasized between overt acts and mere opinions.

In 1868, the election of a delegate was contested on the grounds that he represented an institution of polygamy and a community hostile to the other portion of the United States and was disqualified by a secret oath. Yet he was not excluded for he had no plurality of wives. On the other hand, a delegate who was himself a polygamist was unseated. Even in this case, a strong minority protested against the assumption by the House of the arbitrary power to inquire into the moral fitness of candidates and asked whether if it were a bar for a delegate to live with four women who were married to him, it would also be a bar if the three of them were not. After the admission of Utah as a state, the issue became acute.

The Edmunds Act of 1882 had disqualified any polygamist, whether convicted or not, from office under the United States.

Now, I'd like to stop there for a moment, Mr. Speaker, to merely state that a great many

of these examples are pointing out the kinds of mistakes that legislatures have made in the past. I have suggested that the mistake they are making now is going to get them into very serious hot water, not only as a party in government and in the majority but also as individual members, in future when they may or may not take an unpopular decision, either as individual members or as a group. And I say that this can be used and will be used, if passed, as a precedent in Saskatchewan to further attack opposition parties, to further bring about retroactive changes in the laws, to change the very nature of this Assembly from one of spirited debate based upon the thought of members to the spirited junk we've seen from time to time in this legislative Chamber by members who happen to think the same way, only from time to time differ in who should sit in which chair.

I recall, as a matter of fact, a group in this legislature, Mr. Speaker, not three years ago. The crux of their argument was not on principle but on who could do a better job of managing the Saskatchewan resources. I sat and listened to them, unfortunately, from 1975 to 1978 and then fortunately didn't ever have to listen to them again because there aren't any of them left in this House. I believe the reason there are none of them left in this House is because they wanted to argue from the same point of view as the NDP. They were not prepared to come in here and argue from the standpoint of a different approach, a different idea, a different ideal.

If it is incumbent upon the majority to decide what members shall think and to govern this House accordingly, then Mr. Speaker, there is no hope for any legislature in Canada.

A convicted polygamist who is still living with three wives was elected representative in 1898 and was finally unseated after a thorough discussion from both . . .

**MR. SPEAKER:** — Order, order! The example the member is bringing forward in his debate is out of order. And it is out of order because whether a legislator is polygamous or not has nothing to do with this bill. I am sure, as the member has stated, that legislators through the history of our parliamentary system have made thousands upon thousands of mistakes. It is incumbent upon the member for Nipawin only to cite those mistakes which are analogous and relevant to this legislation which is before us. He cannot cite mistakes legislators have made with regard to whether a member was polygamous or not. It has no relation to this bill.

**MR. COLLVER:** — Well, Mr. Speaker, I think perhaps I will leave the case because of your decision. There are only a few more pages. I feel the members are missing out on some very interesting discussion. I would be happy to show you what polygamous wives have to do with this bill, but you would say I was debating your ruling. I don't wish to do that. So I will leave the case of Victor Berger, to the chagrin of every member of this legislature. I will leave it unfinished. If anyone wishes to complete the case, it is in *Free Speech in the United States* by Chafee. It is written by Zechariah Chafee Jr., Langdell Professor of Law at Harvard University, Cambridge, Massachusetts, published 1941 by the Harvard University press. When I am finished with it, the member can get it right here in the Legislative Library. I don't know when that might be, Mr. Speaker, but it depends on what you rule on these various examples which I am citing. That however was an important case. Perhaps Mr. Speaker would just give me enough permission to conclude a little bit on Victor Berger so that I don't leave the members hanging as to what finally happened. So I will just read the last part:

Victor Berger was a socialist who was vilified in the United States for his views.

This particular scholar is presenting examples that he believes to be on point. I am surprised, Mr. Speaker, you would comment about whether or not Mr. Chafee, the eminent professor of law at the University of Harvard who believes that those examples were on point to Mr. Berger, was on point. Because certainly Mr. Berger's case is on point to this very bill. He was a socialist who was persecuted for his views.

Therefore, though the precise legal ground of the Berger exclusion was the 14th amendment, the case gave public currency to the broad proposition that disloyalty during a war would bar a duly elected representative. Thus long after a war was over, a legislature could, without any previous judicial condemnation, conduct an inquiry into the mental state of a man during the war and the tendencies of his utterances to discourage the national cause, just the kind of investigation which is shown in my second chapter to have proved so vague and unsatisfactory in the hands of an impartial judge and jury and which was justified, if at all, only by the great necessities and dangers of the war.

Furthermore, the conduct for which Berger was convicted and excluded was said by him and regarded by many of his opponents to be that of the Socialist Party generally. So if conviction were an immaterial factor, as Mr. Dallinger said, Berger's ineligibility could naturally be extended to any socialist. Thus the popular impressions created by the Berger case paved the way for one of the most astonishing episodes in American political life.

I refer to the five socialist members of the New York Assembly. Mr. Speaker, I hope you will certainly refer to them as being in order. But I wonder if I might repeat one small paragraph for your information and the edification of members of this Assembly. I refer to the comments of Tolstoy about a bill which Mr. McConnell, the professor of law at the University of Saskatchewan, refers to as censorship. The beginning of this paragraph on purifying the legislature, Tolstoy once wrote:

You would not believe how, from the very commencement of my activity that horrible censor question has tormented me. I wanted to write what I felt. But at the same time it occurred to me that what I wrote would not be permitted, and involuntarily I had to abandon the work. I abandoned and went on abandoning, and meanwhile the years passed away.

Now, Mr. Speaker, that's what this is all about. If a legislature can pass a bill retroactively damning members of the legislature because of what they believe, then it will tell every citizen in the province of Saskatchewan to curtail what he thinks. Don't believe what you believe, believe what we want you to believe.

And, if the members to my right are concerned about the powers to be exhibited through Sask Tel and other media over the people, let me tell them that history proves that's nothing compared to one small attack on people because of what they think. Every time a state has done it, it has made the citizens of that state believe that the state could do it to them. That's what this is all about. That's why I'm citing these cases. The mistake this legislature is making is to bring this whole society down to a totalitarian level. I have been fighting against that since I was 12 years old. I'll fight against it until the day I die. And for the benefit of the member for Kelsey-Tisdale, I'll fight that bill until I

collapse in this place.

When you attack me because of what I think, you attack every citizen in the province because of what they think . . . (inaudible interjection) . . . Mr. Speaker, I assure you that tonight is not the night.

Here's one, Mr. Speaker, from the Bible. This is how this man opens this section.

'There stood there up one in the council a Pharisee named Gamaliel, a doctor of the law, had in reputation among all the people, and said unto them: Ye men of Israel, take need to your selves what you intend to do as touching these men. Refrain from these men and let them alone; for if this counsel or this work be of man, it will come to nought; but if it be of God, ye cannot overthrow it; lest haply ye be found even to fight against God.' – The Acts of the Apostles.

On January 7, 1920, just before the second exclusion of Berger, and while the front pages of the press were still full of the great conspiracy, which would have overthrown the nation had it not been for the New Year's roundup of 4,000 left-wing radicals, the New York legislature opened its session.

You remember, Mr. Speaker, what we are talking about in Bill No. 105 is the persecution of two members of this Assembly for their beliefs. That's what the bill is talking about. And you remember when the McCarthy era was in the United States, what wonders that we in Canada thought were being performed by the attack on people for what they believed in the United States. Every Canadian politician from coast to coast attacked that McCarthy inquiry for fighting people because of what they believed, for persecuting them and placing them on black lists. That's just what this bill is all about.

I heard every socialist in the McCarthy era, every socialist I ever knew or hope to know, or ever will hope to know, attacking McCarthy as a terrible plague on humanity. Imagine him telling those people they were communists and placing them on a blackmail list. But, Mr. Speaker, it's all right for socialists to put a free enterpriser on a blackmail list. That's O.K. That's perfectly satisfactory to them. Well it isn't satisfactory to me. And it had better not be satisfactory to you if you know what is going to happen to you in the future as a result of it. You think I am joking here. You think it's funny. But I can assure the member for Estevan and others that it is not funny. It is going to happen to you and your children if you allow it to happen here.

On January 7, 1920, the New York legislature opened its session. Among the members of the Assembly or lower House, were five Socialists: Claessens, Solomon, Waldman, De Witt and Orr. The Socialist Party of New York was a legally recognized party.

Mr. Speaker, I am attempting to show you how much on point this case is, but I think the member for Moosomin wants to enter the debate himself. That's perfectly all right with me too.

The Socialist Party of New York was a legally recognized party under the Election Law, so that its candidates had as much right on the ballot as Democrats or Republicans. All the Socialists, except De Witt, had previously

served in the Assembly. The opposition of the party to the war had aroused no objection to its representatives at any time during the conflict, even when 10 of them took their seats at Albany just before the Spring Drive of 1918. And on this day, in 1920, the five members took office without interference, swearing they would support the constitution of the United States and that of New York, and discharge the duties of their office to the best of their ability, and that they had not influenced votes by bribe or promise. The New York Constitution, Article XIII, prescribes this oath and makes it all sufficient: 'No other oath, declaration or test shall be required as a qualification for any office of public trust.'

In other words, Mr. Speaker, the five New York Socialists complied with every law, every act of the New York legislature, and every law of the constitution of the United States.

They occupied their seats and for upwards of two hours entered into all of the business of the day.

Suddenly, the newly-elected Speaker, without notice or motion, directed the Sergeant-at-Arms to present the five Socialist members before the bar of the House. The surprised men were paraded down the well of the Assembly Chamber, in front of the Speaker's rostrum in full view of their fellow-members and hundreds of guests who crowded the galleries and the floor to witness the ceremonies of the opening day. There they were lined up with the Sergeant-at-Arms on guard while the speaker addressed them: 'You are seeking seats in this body, you who have been elected on a platform that is absolutely inimical to the best interests of the state of New York and of the United States.'

He then declared that the Socialist Party was not truly a political party, but a subversive and unpatriotic organization, and informed them that if the House should adopt a resolution declaring their places vacant, they would be given an opportunity to appear before a tribunal to prove their rights to sit in the Assembly.

Next, a resolution was presented to the Assembly which had been drafted by the Attorney General as counsel for the Lusk Committee. Probing committees seemed indigenous to New York. They had one in 1780 to detect and defeat conspiracies of Loyalists.

On March 26, 1919, the legislature set up a joint committee of six, under the chairmanship of Senator Lusk, to investigate seditious activities and report to the legislature. Although in no sense a body for the prosecution of crime, it proceeded to conduct a series of spectacular illegal raids on the offices of the Rand School and other radical organizations, instigate prosecutions of radical leaders like Gitlow and fill the press with a flow of terrorizing descriptions of the Red menace. And now it was the moving spirit in ousting the Socialist Assemblymen.

Mr. Speaker, the member for Shellbrook keeps yelling across from his chair, what has this to do with Bill 105? If the member for Shellbrook can't see it there isn't another citizen in the province of Saskatchewan who can't. What's this got to do with Bill 105? Here are five members who appeared before the Assembly, and because of their views

and beliefs were told, even though they complied with every law of the land, that they were retroactively thrown out. And here we are again in 1980, 60 years later, in a country that supposedly has the traditions of democracy through parliament and supposedly has a better system of freedom. Mr. Speaker, I think what this is pointing out is that we haven't been through these tests yet. We have to go through them now. The United States of America went through them decades ago. The point is, Mr. Speaker . . . (inaudible interjection) . . .

It doesn't matter whether you throw a man out physically or whether you make him incapable of doing his job. In 1920, for goodness sakes, they didn't need researchers and secretaries because legislators could stand on their feet and give their speeches in the House, and that was what was reported. Today you have to be able to provide for the press corps. You have to be able to provide for the government. You have to be able to run your stuff through the Xerox and your complicated machines. The point is, Mr. Speaker, that it isn't only the money. You have to be able to stand in this Assembly and give a response to a ministerial statement, and if you are no longer a party you can't do that. Oh no you can't. Ask Mr. Speaker, my friend. Find out what the rules of the Assembly are. An independent member may not give a response to a minister. A member of a party may. Maybe you'd like to know the rules yourself?

You see, Mr. Speaker, you can't speak to a statement from a minister. You can't debate a ministerial statement. For goodness sakes, of all the nonsense I ever heard in my life! I'm only giving you one small example of why you have to be a party in this legislature rather than an individual member. The Premier himself said it, Mr. Speaker. I don't want to repeat it for the benefit of the member for Moose Jaw North . . . (inaudible interjection) . . .

The member for Shellbrook wants to know what this has to do with this case. It's very simple, Mr. Speaker. It doesn't matter whether you kick me in the crotch or slap my face. One way or another you are going to hurt me. You are going to hurt me this way, or you are going to hurt me the other way. It's a matter of degree. The minute you start throwing punches at people then you forget democracy. The minute you start running down individual parties and individual members in the legislature because of what they believe, that is the day that you are going to resort to fisticuffs because there isn't any other option left. You have to establish those principles, Mr. Speaker. And those principles must be sacrosanct. You don't retroactively change the law in this province or in any other free society as it relates to members of the legislature. If you want to make it O.K. for the future that's fine, but you don't go back and say retroactively they broke the law.

You see, Mr. Speaker, when they pass this law they are going to say around the province that the member for Swift Current and the member for Nipawin broke the law. And in fact they will be right because they passed a retroactive law. They will call us lawbreakers. Now, Mr. Speaker, when I break the law and have to pay a penalty I don't mind it. I'll take my just dessert and take the punishment. But when I obey the law, and the government, in order to attack me, passes a retroactive law that says, you didn't obey it, you broke it, then, Mr. Speaker, I say it's time the people recognized what's going on as being a blatant attack on political parties and opposition in his House. That's what it is Mr. Speaker, a blatant attack on opposition members of this House. And if you want the truth, Mr. Speaker, I am totally confident (although I haven't seen evidence of it yet) that eventually members to my right will come to the same conclusion, en masse. The NDP seems to think the Conservatives are going to follow blindly behind the personal motivations of the member for Qu'Appelle. I have yet to see

Conservative members follow blindly anyone, including me . . . (inaudible interjections) . . . Well, they didn't follow very blindly behind me, so I doubt they'll follow blindly behind Grant Devine . . . (inaudible interjections) . . . When the members are finished asking their chintzy little questions, Mr. Speaker, I'll continue with the five New York socialists. Actually, Mr. Speaker, I hope the members are enjoying this. It certainly saves me a lot of work.

**AN HON. MEMBER:** — We're helping you.

**MR. COLLVER:** — I'm cool, calm as I can be . . . (inaudible interjections) . . . Now, Mr. Speaker,

The Lusk Committee's resolution did not even recite that the members were charged with certain offences, but stated facts as if already proved, an Alice-in-Wonderland performance of 'sentence first – verdict afterwards.'

Isn't that terrific? Isn't that what Bill No. 105 is all about, Mr. Speaker – sentence first and verdict afterwards? Isn't that what this is all about? We'll be sentenced by the government to this law now, because the verdict they want afterwards is from the people.

I think that's not quite right, Mr. Speaker. Don't you believe that it should be verdict first and sentence afterwards? The verdict of the people first and the sentence afterwards. I do, but the members of this Assembly on the NDP side – some of them – I think in truth there might even be one or two of them who have enough balls to . . . Excuse me. That definitely is unparliamentary, Mr. Speaker, and I withdraw that word . . . (inaudible interjections) . . . Well, you could be referring to any kind of ball you like, Mr. Speaker. A dance is a ball or a number of things, but with the connotation I used, it wasn't a very parliamentary word and I withdraw it.

It declared that they were members of the Socialist Party of America which adhered to the revolutionary forces of Soviet Russia and endorsed the principles of the Communist International of Moscow, and this was pledged to the forcible and violent overthrow of all organized governments.

Now, I would just like to briefly stop and talk about the Marxist-Leninist group that made its appearance in this legislative Chamber in the province of Saskatchewan the other day.

The Unionest Party has obeyed every one of the laws of the land up to this point in time – every single law. We have complied with all of the acts. We are entitled as members to do what we have done. The Marxist-Leninists who appeared in this legislature at the time of the environmental discussions broke every tradition and rule of this Assembly that anyone could imagine. They turned this Assembly into a zoo. They dropped placards over there, threw things at the members, made a racket in a very Nazi-like fashion, decided to drown out what members would say, so the Attorney General almost capitulated and shut down the House. Thank goodness the opposition shouted at him and told him not to do so, but to let them run their course and then get out.

Every law was broken, and every tradition of the Assembly. We, on the other hand, have broken no laws, no traditions. What has happened to the Marxist-Leninist group in the province of Saskatchewan, Mr. Speaker? What do you suppose has happened to them? Well, first of all they receive grants from the government of the province of



Saskatchewan. Isn't that interesting. The Communist Party, the Communist International, the song itself tells it all, and it concludes, one day communism shall rule the world. That's the internationale – shall rule the world. Whether by force or not; whether by overt revolutionary tactics or not; whether by taking this Assembly and trying to shame the members and throw things at them to turn this Assembly into a zoo in which debate is no longer possible.

What has happened to the Marxist-Leninist group? They get grants from the Government of Saskatchewan. What has happened to the Marxist-Leninist group? Their Magazine, The Briarpatch, continues to receive from the Government of Saskatchewan a small pittance; certainly they used to get a lot more (I understand they used to get 30 grand a year and they're down to \$5,000 a year now.). This is an organization, Mr. Speaker, specifically designed by a foreign power; that's proven beyond any doubt, it's controlled and directed by a foreign power to overthrow . . . The Marxist-Leninists in Saskatchewan, controlled by a foreign power and designed to overthrow the legitimate governments of our country, whose stated aim is the takeover and abolition of all freedom of thought and expression . . . What is their reward for those actions? They get grants from the government of the province of Saskatchewan.

What is the Unionest Party's reward for living within the law, for presenting its case within the law, for complying with every law? An attack by the Government of Saskatchewan. An attempt to negate its members to the status of independent members in this Assembly, so that they cannot have the research and secretarial help to present their case well and so that they cannot have the occasions during the session to make their presentation in the same fashion as other members of this Assembly.

Don't you think that's interesting, Mr. Speaker? Don't you think that's eminently rational and reasonable? Don't you think it's equally rational and reasonable, Mr. Speaker, to have grants continue to be provided to that eminently qualified organization the Franco-Canadian cultural association? I mentioned that group before but I won't mention it again. Don't you think it's interesting too that those grants continue? Vote yes in the referendum, go ahead, split up Canada; that's O.K., go ahead. Their grants continue.

You see, Mr. Speaker, that's the only possible reason one could give, if grants continue to Marxist-Leninists who destroy the legislative process and to French associations that elect to offer a yes vote in the Quebec referendum and encourage people to vote yes. We're suggesting that the people of western Canada would be better off to seek union with the United States, and we didn't even suggest the people of Quebec should vote yes, not once. Believe that, Mr. Speaker, we didn't, not one time. But the Government of Saskatchewan is going to continue the support of that organization.

What's at stake here, Mr. Speaker, is in reality, the statement by the Attorney General and the Premier of the province of Saskatchewan and the Leader of the Conservative Party. That's what's at stake. This man is dangerous. We have to watch him. We don't want to underestimate him. What nonsense! Because I present things to the people so they can understand them, is that so dangerous?

Is it so dangerous to make a presentation to people and they say, we don't want compulsory bilingualism in western Canada? Is that what's dangerous about our presentation? Is it dangerous because we say the people in western Canada are not prepared to have their resources ripped off by the East any more? Is it dangerous because we present to the people the fact that we'd be able to get a vote in the United

States if we sought to become citizens there when this country breaks up? We don't want it to break up, but if it does, we're going to be there. We're going to make the presentation so that we have people ready to go to make the presentation.

We don't wait until the last minute and then are so confused, upset and upheaved that we have no choice; so divided by our leadership that we have no choice. Is that what is different? What's different here is that the members of this legislative Chamber somehow believe we shouldn't be equal to the rest and that we shouldn't be able to present our case as well. Is that their right as members? Is it their right, as individual members of this Assembly, to make judgments for others as to what they should do, or is it more correct for the members of this Assembly to say what's right for one is right for all?

The law we made up a year ago is the law. It was a good law because we all worked it out. We thought enough; we were intelligent enough; we worked out all these things and the law, the way it's written, is exactly what was intended by all of us . . . (inaudible interjection) . . . I beg your pardon, member . . . Would I say? Absolutely. Mr. Speaker, I don't know what the member is reading from, but if he is reading from a current statement of the Progressive Conservative Party of Saskatchewan, I honestly believe he would have a great deal of difficulty pinning that on me . . . (inaudible interjection) . . .

What did he say now? . . . (inaudible interjection) . . . No, I admit that, Mr. Speaker, but I said so at the time. When I was the leader of that party I went on a special fund drive. I assured those people that the source of those donations would not be revealed and I don't intend to reveal them. I've offered to the present executive of the Progressive Conservative Party, if they are so desirous . . .

**MR. SPEAKER:** — Order. The member is obviously out of order. I don't know what this has to do with the principle of the bill before us. I'd like to get the member back on the subject.

**MR. COLLVER:** — Mr. Speaker, absolutely, I couldn't agree more. That has absolutely nothing whatsoever to do with the topic under consideration. It was only that the member for Moose Jaw North raised it, certainly from his chair, and seemed to be reading from a document that purported to apply to various things.

I could probably say something about the fact that it's necessary for all parties to collect moneys, Mr. Speaker. It's necessary for all political parties to be well funded because it's necessary for them from time to time to go to other sources besides the Government of Saskatchewan for their research and secretarial help. I could say that the section of the bill would apply. I recall on one occasion, when I was the leader of another party, I had to go to some people to raise some funds to help the party get out of debt. I recall that, and I also recall of recent date, Mr. Speaker, because it's necessary for political parties which are mentioned in the bill to go outside the realm of the legislation to obtain the money. I also recall telling the present executive of that political party that those names would be happily made for them if they were prepared to make them public, but I was not prepared to make them public. Now that, Mr. Speaker, is entirely up to them. If they want a list of those names, they can have a list of the names. If they want to then make them public, they can make them public. That'll be against their word, not mine because I gave my word that it wouldn't be revealed. As you know under The Election Act (again speaking in terms of this particular bill) moneys used for current operating funds are not required to be disclosed, for the information of the member for Moose Jaw North. That was what was promised to those donors, and, Mr. Speaker, quite frankly I keep my word . . . (inaudible interjection) . . .

I'm sorry he has just come in. I don't understand why he's trying to lay it off on me, Mr. Speaker, but I'm not going to go into it in any more detail. I think it would be disgusting, however, if a current executive of party tried to attack a previous leader for giving his word to people. That would be disgusting if that were the case. I haven't seen the particular bill, but he complied totally with the law, Mr. Speaker. The moneys raised as you know in between elections and used for the administration of the party and for research and secretarial help do not have to be disclosed, are not required to be disclosed, and are not by any party disclosed. I would be shocked and surprised if anyone brought that up in this legislative Chamber or brought it up before any particular body of the legislative Chamber, or in fact released it to the press. If that occurred it would be on his head, if those sources of funds were revealed. Now wouldn't you say, Mr. Speaker, since you don't have to disclose it, no law says you should disclose it, it would be certainly on anyone's head who brought it up if those amounts were disclosed and if those people decided that they no longer wished to support whatever party decided to disclose even after it had given its word? But that's perfectly all right and off the bill, and let's return to the five New York socialists because, as I say to the member for Moose Jaw North, if you want to table that document, it would be of great interest to me, if that's true.

Mr. Speaker, I don't take drinks of water while I'm giving these little talks. I have had for many years a problem with my kidneys, and these Strepsils are much better. They help the throat. But I know the members are enthusiastic. Back to the topic – the Lusk Committee's resolution . . . (inaudible interjection) . . . Not that. No, no, we can't go back to Berger. Mr. Speaker ruled it out of order at the last. But we are now on to the five New York socialists, which is right on point.

The Lusk Committee's resolution did not even recite that the members were charged with certain offences but stated facts as if already proved, an Alice-in-Wonderland performance of 'sentence first – verdict afterwards.'

Mr. Speaker, there is so much conversation here that I am having difficulty hearing myself. I hope you can hear me, because I know you are interested in these remarks. At any rate as you will recall, Mr. Speaker, the Socialist Party was accused of being communist in its tendency.

The party by its St. Louis platform had opposed the war, and thereby stamped itself and all its members with an inimical attitude to the best interests of New York and the United States. These five members had subscribed to its principles and its aims and purposes against the government. They had been connected with an organization convicted of a violation of the Espionage Act. Therefore, it concluded, they were denied seats in the Assembly 'pending determination of their qualifications and eligibility to their respective seats,' and the investigation of their qualifications and eligibility was referred to the Committee on Judiciary.

The roll-call was then taken and the five Socialists were called upon (get this, Mr. Speaker,) to vote as members. After the passage of the resolution, they were hustled by the Sergeant-at-Arms out of the chamber, where their seats remained vacant for the remainder of the session, to the disfranchisement of sixty thousand voters of the City of New York.

Now I know the Sergeant-at-Arms here has not been called upon to perform such services as in this case, but Mr. Speaker, this is merely the little wedge in the door. Mr.

Ponto, I know, doesn't wish to have the wedge entered into the door so that suddenly the wedge becomes so wide he must use his sword almost continuously with members on the opposition side.

I know that from time to time there has been the requirement to expel members from the Assembly for sometimes particularly good reasons and sometimes not. But nevertheless, the thought of the Sergeant-at-Arms in Saskatchewan running the members through with his sword or running them out of the Assembly, as a result of this wedge opening the door to allow a majority attack on a minority party, is . . . Well, I must tell you, Mr. Member for Moose Jaw North, that he's pretty close to me in a lot of ways, not just in proximity.

In one of these magnificent decisions whereby the Supreme Court of the United States in former years fortified the civil liberties wrested from authority by the long struggles of the seventeenth and eighteenth centuries and proclaimed in the American Bill of Rights, Justice Bradley warned us that illegitimate and unconstitutional practices get their first footing by silent approaches and slight deviations from legal modes of procedures.

These are little things, like retroactive laws; little things like attacking two members of the legislature because of what they stand for; little things, which in a lot of people's minds are not so little.

Since the 15th day of June, 1917, the nation had been led on by its panic-stricken fear of adverse opinion to abandon one national tradition after another. Every unheeded prediction of the handful of liberals was more than fulfilled. The Espionage Act was only to punish interference with recruiting and military discipline – but it was used against all prominent opposition to the war. Everyone agreed that freedom of speech meant the absence of previous administrative restraint on political discussion – and the Postmaster General was allowed to establish a whimsical censorship of the political press and maintain it long after the last American soldier had been demobilized.

I wonder if the press corps is listening to that. I wonder if the people in the Saskatchewan press, those individuals who would listen to the Attorney General say the reason the government members said no to an adjourned debate is that they were tired of listening to me. And they printed that, thinking the adjourned debate somehow would stop me from talking, when exactly the reverse was true. But I wonder if the press is listening to that?

That step by the Postmaster General against Mr. Berger, that first step, allowed the Postmaster General of the United States to attack the press long after every soldier was demobilized.

Suppression was said to be only a war measure. The states prolonged it into peace, and the Attorney General of the United States begged Congress to imitate them. Radical aliens were put under control and a similar law was demanded for radical citizens. One by one, the right of freedom of speech, the right of assembly, the right to petition, the right to protection against unreasonable searches and seizures, the right against arbitrary arrest, the right to a fair trial, the hatred of spies, the principle that guilt is personal, the principle that punishment should bear some proportion to the offence had

been sacrificed and ignored. Here and there a solitary and despised protest – the rest was silence. And now the waves of hysteria dashed against the very foundation of American life, the right of the people to elect their own rulers. Berger was excluded after he was convicted of crime, but these men were excluded without any conviction, without any crime, without any trial, from the offices which they had taken with all of the qualifications and formalities prescribed by the fundamental law. At last the leaders of thought were awakened to the realization that a government cannot be saved, is not worth saving, at the cost of its own principles. (Pretty great words, Mr. Speaker.)

Woodrow Wilson, the successor of Jefferson, had taken no step to stop the encroachments on freedom of speech, had signed his name to both Espionage Acts, had allowed his officers without a reproach to censor and raid and arrest as they chose. It was reserved for the Republican presidential candidate at the election of 1916 to become the champion of Anglo-Saxon liberties. Charles Evan Hughes, leader of the American bar, former Governor of New York, former Associate Justice of the Supreme Court, within 48 hours of the Albany imbroglio, wrote Speaker Sweet that it was absolutely opposed to the fundamental principles of our government for a majority to undertake to deny representation to the minority through the men who had been elected by a ballot lawfully cast.

Gee, are we fighting that again, Mr. Speaker, Are we fighting that again?

If there was anything against these men as individuals, if they were deemed to be guilty of criminal offences, they should have been charged accordingly. But I understand (said Charles Evan Hughes) that the action is not directed against these five elected members as individuals but that the proceeding is virtually an attempt to indict a political party and to deny it representation in the Legislature. This is not, in my judgment, American Government.

Nor I might add, Mr. Speaker, in my judgment is that Canadian government, or is that government in any free society in the world. No free society in the world says you can deny representation to duly-elected, lawfully-elected representatives of the people. Is there any denial that we are duly elected, lawfully elected? No, there's not. Is there any denial that we are entitled under the law to form a political union if we so desire? No, there's not. Then, what is Bill 105? Nothing more than an attack on our right to do it. Are socialists, unconvicted of crime, to be denied the ballot? If socialists are permitted to vote are they not permitted to vote for their own candidates? If their candidates are elected and are men against whom, as individuals, charges of disqualifying offences cannot be laid, are they not entitled to their seats? The answers to all those questions are obvious.

But apparently in 1920 in New York state, they didn't think so. They had to fight through this battle before. We have to fight through this battle now.

The minister responsible for the environment keeps speaking from his chair. I hope he goes outside the House and does this because then he will show himself as a fool. I haven't for some time thought he was, but perhaps he will go outside the House and repeat that statement.

To suggest, Mr. Speaker, that a political party is elected in Saskatchewan, is absolute utter nonsense. There is no precedent for it; there's no legality for it. Nothing in our tradition of government says or establishes that it is a political party which is elected to legislatures. Individuals are elected to the legislature and the member for Shellbrook knows that. To suggest, no matter what political party you belong to before, since or after, is of no consequence in the parliamentary system . . .

Now, if the member for Shellbrook wishes to change the law and to bring in a law that under the parliamentary system instead of electing individuals, we elect parties, then I could understand his point of view. But as long as it is an individual who is elected, then an individual has the right to change his mind. An individual has a right to present his case. An individual has a right to join whatever party is his choice. If it happens to be a different party from that under which he was elected, so be it. He has that right.

If the minister is suggesting that if he changes political parties or that political parties during the course of their tenure in office change their views (as the Conservatives have done recently, and as the NDP has done time and again, as the member for Saskatoon-Sutherland has done time and again) and if it is stated in an act that it is irresponsible for you to change your views from being a party man elected in 1978 and change in 1980, then we will be obeying the law by changing this law. But only then will the people of the province of Saskatchewan listen to the kind of nonsense the minister responsible for the environment, the member for Shellbrook, spouts from his chair. People know better.

People know that a parliamentary system won't work if you elect parties; only if you elect individuals. Those individuals may run under many party banners. They may change the party banners. Between elections the party can change and the member can change. The only thing of any consequence is the good, sound judgment of that individual member and that member for Shellbrook knows it.

If the member for Shellbrook is questioning my judgment and my mental capacity, then he should bring another bill before this House, not this bill. I would be happy to have the member try to do that. Instead of bringing this bill, which is against the very fundamental basis of this particular Assembly and of anything we hold dear in this Assembly, bring forward a motion of incompetence for the member for Nipawin, of reduced mental capacity for the member for Nipawin. Bring it forward; prove it to the members of this House; prove it to the people of Saskatchewan – diminished capacity. You say that you doubt my judgment and that's why you would bring this bill. Then bring a bill forward which says that. Don't attack the institution; attack me.

With this bill you are attacking the institution. But I say to the member for Shellbrook, that he fights that battle like he fights every other one – from his chair. I say to the member for Shellbrook that he should stand up and be counted; go outside this Assembly and try to tell the people of Saskatchewan what you're saying.

Sit down, Dick; I'll get up. I've heard that before from the member for Shellbrook and he never does. I know it's difficult from time to time and I promise the member for Shellbrook every possible opportunity to speak on this important bill.

Mr. Speaker, the members keep telling me to sit down. My back is killing me and my feet hurt again. That guy who tried to fix them on Saturday didn't do such a good job. But with only 14 minutes to go before 10 o'clock, it would be such a shame for me to sit

down at this point. The members couldn't possibly give an appropriate speech in response, so I wouldn't want to place them in that embarrassing position.

Surely you want to hear the rest of the story about the five New York Socialists. It's hard to take it as read because there's only one book in the library and it would take so long for it to circulate through all of the members, that I find it absolutely important to read it to this Assembly.

This is Charles Evans Hughes continuing on with his description of the five New York Socialists:

I understand . . . that the Socialists constitute a combination to overthrow the Government. The answer is plain. If public officers or private citizens have any evidence that any individuals, or group of individuals, are plotting revolution and seeking by violent measures to change our Government, let the evidence be laid before the proper authorities and swift action be taken for the protection of the community.

Do you remember earlier today, Mr. Speaker, I challenged anyone to charge us with treason or sedition? That's really what he is saying here. If there are charges to be laid, lay them. If you're attacking my mental competence, attack the mental competence, but don't attack the very institution in which we are performing. Don't attack the essence of democracy, which is to allow opposition members the right to act within the system, to be equal to every other member in this Chamber. And that's what this bill is all about, changing the inequality, Mr. Speaker. It is the equity. It is making members unequal.

A member for Regina Victoria has a certain level of research and secretarial help. A member for Indian Head-Wolseley has a certain level of secretarial and research help. The members for Nipawin and Swift Current should have the same, and it is not incumbent . . . We're just talking money there. If a member from the treasury benches is allowed to give a ministerial statement and a member from the Progressive Conservative opposition is allowed to respond to that ministerial statement, then so too should members from the Unionest party be allowed to respond to a ministerial statement.

If this bill passes we will not be allowed to; if this bill passes, that will not be possible, and every member of this Assembly knows it. So it's a matter of deciding whether some members are more equal than others. NDP members are more equal. Progressive Conservative members are more equal. Unionest members are not so equal. Well, Mr. Speaker, that doesn't seem too rational or too reasonable.

We decided less than a year ago to create a situation. As a matter of fact, this happened some time ago, in 1975. Mr. Speaker will remember there was no third party legislation at all in Saskatchewan up until 1975. Do you remember why? It was because no third party had ever been elected to this House. There never was any precedent, so no law applied. The Legislative Assembly Act applied to the government, applied to the opposition and had no such thing as a third party.

In 1975, after considerable pressure by the then seven member Progressive Conservative caucus, and I must say after some enlightened thinking by the Premier of the province of Saskatchewan, The Legislative Assembly Act was amended to allow for the funding of third parties in the province.

In 1979 that legislation was amended once again. It was amended primarily at the instigation of members of the legislature who wanted their pay raised, and at the instigation of the Progressive Conservatives, who wanted more research money from the government. But it was amended nevertheless in 1979, less than a year ago. It took into account third parties. It said what a third party was. It said what a third party should be. It described the law under which a third party would get the necessary grants and recognition in this Assembly. And now, less than a year later, after two members of the Assembly comply with the law and do exactly what the law said they are supposed to do, you are going to tell them what they have done is illegal? Because that's what this bill is all about. Retroactively you are going to say that wasn't the law at all. What you are going to say is, the law you obeyed wasn't the law at all. Is that reasonable, Mr. Speaker, do you think? Are there members who believe that's reasonable? I don't think so. That's what's happening here.

Let every resource of inquiry, of pursuit, of prosecution be employed to ferret out and punish the guilty according to our laws. Now, the Government of Saskatchewan is trying to say our laws are meaningless and even though citizens obey them, we are going to backdate them and make them break them.

But I count it a most serious mistake to proceed, not against individuals charged with violation of law, but against masses of our citizens combined for political action by denying them the only resource of peaceful government. That is action by the ballot box and through duly elected representatives in legislative bodies.

Does anybody ever read? Does anyone on the NDP side or on the right ever read history to understand what has happened before, to understand how many times this same kind of legislation has been brought before legislative bodies and to understand the kinds of battles that have had to be put up by your forefathers and mine so that we could enjoy the benefits of a free society? Equality, that's what we are talking about. Equity, that's what we are talking about here. What's right for you is right for me and right for him and right for her. That's what the law is all about, and you don't single out one group because you don't like what they believe. You don't single them out and say they're going to be less equal than anybody else, even if you are afraid that if they present their views properly, that many people might follow. You just don't do it if you want to live in a free country. You don't do it if you want to live in a free society.

If you don't support the concept of freedom, the right of individuals to think and act, talk and believe as they will and to worship as they see fit, why be in this Chamber? Why not just win the majority? You have the right and then rule yourself out of existence. You have that right, to deem the opposition no longer here.

I know in the case of members to my right at the moment, it's not necessary to deem they're not here. Sometimes it seems that they're not here. But you have the right to do that if you so desire. Why even fiddle around with democracy? Why fiddle around spending all your time in these chairs? You know, you'd get paid anyway. You're the one who controls the purse. You're the one who controls the laws. You can pass any law you like. Go ahead. Why fool around with it? Why even bother with the tradition? Why bother with a Clerk and a Speaker? You don't need it. All the laws you pass, you can pass in your own caucus. Why even bother with this foolish tradition, if you're going to treat individual members unequally?

That's what you're doing in this bill and that's why it's an attack on what we believe.



You're treating us unequally because you brought forward legislation in 1975 to provide equal treatment or to come reasonably close to equal treatment. Naturally the opposition should get more research and secretaries. Naturally the government should get even more research and secretaries. That's natural; it's reasonable.

But to suggest that you're going to retroactively change the laws, to make members even less equal after they've complied with all the laws, is to attack the very heart of this system and this Chamber. So, quit. Don't fool with it any more. Why sit here day after day, week after week, month after month? Pass your laws and forget it.

Now, Mr. Speaker, every member opposite knows there's a little clause in the little green book. I wish I had the little green book here to read from. I don't happen to have it at the moment, but there's a little clause in the little green book that says they can stop my dissertation any time they want. It's very simple; they have the majority. What you're trying to do here is to use your majority position to attack the minority.

What you're trying to do is to bring about a nice subtle change so that people think you're really doing this democratically when in fact you're attacking the minorities. Tomorrow, you want to get on with the business, Mr. Minister of Telephones. You want to get on with your bills. Tomorrow all we need do is bring in closure. They know that their majority will automatically put the bill through like that. Yes. Bring it in, tomorrow, any time. Yes, I'm begging you. Bring it in. If you want to stop it, bring in closure.

But I can say this to the members, if they think they're going to stop it by wearing me out, they didn't do it in 1973, they didn't do it in 1975 and they sure as heck didn't do it up to 1978, and they're not going to do it now . . . (inaudible interjection) . . . Oh, I was younger then. My goodness gracious sakes alive. So was the member for Kelsey-Tisdale. I even had hair then, and so did you, Mr. Member for Kelsey-Tisdale But that does not stop the resolve, and that doesn't stop the ability to continue.

Mr. Speaker, I know you're interested in my continuing. I just happened to look at the clock. It looks like 10 o'clock to me, but if you believe it's not quite 10 o'clock, would you please let me know. It sure looks like 10 o'clock to me. Am I correct?

The Assembly adjourned at 10:01 p.m.