

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
June 3, 1980

The Assembly met at 10 a.m.

On the Orders of the Day

QUESTIONS

Land Use in Emma Lake and Christopher Lake Areas

MR. R.L. ANDREW (Kindersley): — A question to the Minister of the Environment. Mr. Minister, in 1976 an ecological study was completed by your department with regard to the environmental and land use problems in the Emma Lake and Christopher Lake areas of Saskatchewan. One of the main recommendations of the report was that there should be no further cottage development in the area. Has your department and your government in effect completely disregarded this ecology report by authorizing further cottages and further developments in the Emma Lake area in contravention of it?

HON. G.R. BOWERMAN (Minister of the Environment): — Well, Mr. Speaker, I am not aware if the Department of the Environment has approved any applications. They would not be made to the Department of the Environment other than through the municipal affairs community planning branch for the usual approvals of environment and public health relative to development of a subdivision or more lots in the area. It's really not the jurisdictional responsibility of the Department of the Environment to decide whether or not subdivisions will be approved in essence or in final, but rather that of the community planning branch. The ecologic study done in the Emma Lake and Christopher Lake area made some recommendations, but there are many other reports which come to government that make recommendations which are not all assented to or agreed to.

MR. ANDREW: — Mr. Minister, would you not agree that what the government has done is to cancel an annexation order from one R.M. to another R.M., and that the net result of what you have done is to pave the way for the developer, Karasiuk Holdings Limited, to start developing the property in the very near future in the Emma Lake area?

MR. BOWERMAN: — Well, I think, Mr. Speaker, the question would be better directed to the Minister of Municipal Affairs (Urban). The Department of the Environment has no jurisdiction in deciding whether or not there will be boundary changes between the R.M.s of Lakelands and Paddockwood. I am conversant with it because I am the member of the legislature representing the area the hon. member refers to. But the point the hon. member makes or attempts to stress does not actually follow, in that when the boundary changes were made there would be an automatic approval of Karasiuk Holdings for increased lots. This was a matter that would be agreed to between the two municipalities in the drawing of the boundary lines or the changes to the boundary lines that are being proposed.

MR. ANDREW: — A question, Mr. Minister. The fact is that there was an ecological study (done by your department, it is clear) and the planning appeal board adopted that study and suggested no further development. I would suggest to you, Mr. Minister, that what in fact is happening is that you are disregarding this. Would you not agree with me that you are disregarding both that study and the planning appeal board for one reason, and that is to facilitate your political friend, Karasiuk Holdings, who has as his

sales agent your colleague the member for Prince Albert? Is that not in fact the reason why you are completely disregarding the environmental study and . . .

MR. BOWERMAN: — I say again, Mr. Speaker, the hon. member has made his speech. He's made his little political foray in the Assembly and I guess that's what he wanted to do. He has that off his chest now. It has nothing really to do with the Department of the Environment. It has to do with the Department of Municipal Affairs (Rural) for the establishment of the boundaries relative to the two municipalities which were previously a local improvement district which was divided into three municipalities. There have been ongoing discussions between those three new municipalities as to where the boundary lines should most appropriately be drawn.

Yes, there was an application by a constituent by the name of Mr. Karasiuk, and his application for subdivision was not approved. But it has nothing, Mr. Speaker, to do with the Department of the Environment. It has to do with the Department of Municipal Affairs (Rural).

MR. ANDREW: — New question, Mr. Speaker. You say, Mr. Minister, that it has nothing to do with the environment when there has been an environment impact study that has indicated that the lake is overtaxed. I have here as well, Mr. Minister, in my possession, a copy of a listing agreement of that property and (this can go to the Minister of Urban Affairs, if you like) a copy of a listing agreement on proposed property which, as you know, is completely illegal. The listing agent is your colleague for Prince Albert. I suggest to you that is why you're disregarding and either one . . .

MR. SPEAKER: — Order, order. I'll take the next question.

MR. ANDREW: — My question, Mr. Minister, is this. In view of the fact that there is involvement by the member for Prince Albert, do you not agree that by allowing this development to proceed, you are simply disregarding the ecological study, disregarding the planning board and disregarding the wishes of the residents of the Emma Lake area?

MR. BOWERMAN: — Well, Mr. Speaker, first of all, there was no environmental impact study made. There was a study made by a consultant, called Ecologistics. Ecologistics made a study of the Emma-Christopher Lakes area and made some recommendations. Subsequent to that report being made, the newly formed rural municipality of Lakeland developed a zoning plan on the basis of Ecologistics.

If the hon. member will read the Ecologistics report, he will find that it did not recommend no further development, although it recommended that there be a suppression of development in the area. I think the member will find that there was approval granted for 50 new lots in the Christopher Lake area, that was recommended or approved by Ecologistics.

It has no reference to the Department of the Environment per se, other than if the community planning people wish to refer to the Department of the Environment a proposal for a subdivision, the Department of the Environment will obviously look at that relative to the plan, relative to the environmental considerations and so on.

I say again, there are many reports which come to government. Some of the recommendations are adopted and some are not adopted. That doesn't mean to say that the Ecologistics report, which was made of the Emma-Christopher Lakes area, is

final and binding on the government. It's not final and binding on the rural municipalities in the area. I suggest to the hon. member, Mr. Speaker, that really the people who will decide what happens in the area, and rightfully so, are the rural municipalities of Lakeland and Paddockwood.

MR. ANDREW: — Supplementary question to the Premier. Mr. Premier, I understand that you as well became involved in this particular problem. On September of 1979 you received a letter from the reeve of the R.M. of Lakeland and in part that letter read:

First of all we need assurance that indiscriminate non-agriculture development will be prohibited in the area of the present overcrowding of Emma Lake and Christopher Lake.

Now, I take it that letter was received by you, Mr. Premier, and Mr. Kelly, the reeve of the R.M. did not receive a letter from you in reply to that, but rather received a reply from one Karasiuk Holdings Ltd. which reads as follows: 'Enclosed find recent letter from the Premier which has come to my possession.'

Mr. Premier, is it now the policy of your government not to correspond with the duly elected local representatives but to pass your answer or your correspondence off to the developer who has the vested interest in developing property in this particular area?

HON. A.E. BLAKENEY (Premier): — Mr. Speaker, if the hon. member is suggesting that no reply went from my office to the R.M., but only went to the R.M. from some third party, I think the hon. member has his facts wrong. It may well be that some other person wrote to the R.M., including Karasiuk Holdings, for all I know. But so far as I am speaking for my office I am confident (I do not have the answer here obviously) that an answer went from my office to the R.M., if in fact a letter was received from the R.M.

MR. G.S. MUIRHEAD (Arm River): — I have in my hand an apology letter from you to Reeve Kelly where you say the following:

Thank you for your letter of October 29, 1979, regarding the misuse of your previous correspondence with me. I am indeed sorry to hear that such misuse has occurred and I can assure you that I am investigating the means by which Mr. Karasiuk came to possess a copy of your letter of September 25, 1979. Again, thank you for informing us of this incident and I hope you will accept my apologies for any embarrassment this may have caused you.

Would you, Mr. Premier, inform this Assembly the results of the investigation? It's signed by Allan Blakeney.

MR. BLAKENEY: — Mr. Speaker, I wonder if the hon. member would refresh my memory with respect to some dates so that I might have some opportunity to reply, because I would like to reply . . .

MR. MUIRHEAD: — . . . 1979, this is when you signed the letter, November . . .

MR. BLAKENEY: — I would take it was a letter to the R.M. to whom I had not replied. As I recall the facts, a number of persons were mentioned in the letter to me from the R.M., including my colleague, the MLA for Prince Albert, and I supplied him with a copy of the letter which referred to him and a copy of my reply to that letter which referred to him. I do not know beyond that where Mr. Karasiuk got the letter but he may well have got it

from my colleague, the member for Prince Albert.

MR. ANDREW: — A question to the Premier. I would take it that this isn't a common . . .

MR. SPEAKER: — Is the member asking a supplementary?

Handling of Mail from Premier's Office

MR. ANDREW: — A new question to the Premier. I would hope it's not a common happening in your office where letters, addressed to you personal and confidential, go out to a person with a vested interest. Now you indicate to the House, I take it, that the fault rests with the member for Prince Albert. A copy of the letter was also given to the Minister of Urban Affairs, who has a habit of losing some of his letters. Now my question . . .

MR. SPEAKER: — Order, order. I'll take the next question.

MR. G.S. MUIRHEAD (Arm River): — Was your reason for this, Mr. Minister, to help out your colleague, the member for Prince Albert, who had the illegal listing through Century 21, selling property for Karasiuk Holdings? Did you think your action would make this document I hold in my hand legal again?

MR. BLAKENEY: — Mr. Speaker, I'm not going to reply to allegations that any particular member was acting illegally. I will reply to the specific point that he makes. I received a letter referring to a colleague. I supplied the colleague with a copy of it which I very frequently do, and make no particular apology for so doing. I also supplied a copy to the minister who is responsible for that area (I believe it was the Minister of Urban Affairs who had community planning under his wing at that time) and that is in accordance with the practice in my office. I want to assure all hon. members if somebody writes to me about the Department of Highways, in almost all cases, that letter together with a copy of my reply will find itself in the office of the Minister of Highways, similarly with the Attorney General and as the case may be.

Rescinding of Urban Affairs Order

MR. MUIRHEAD: — New question to the Minister of Municipal Affairs (Rural). Will you explain to this House why you signed the minister's order on May 16, 1980, rescinding the minister's order of urban affairs signed by D. Moroz on March 25, 1979?

HON. E.E. KAEDING (Minister of Municipal Affairs (Rural)): — Mr. Speaker, there was a study taken under the direction of the Minister of Urban Affairs through a Mr. Crozier who was attempting to develop a planning arrangement in the area of Lakeland and Paddockwood. That study had not yet been fully completed. Mr. Crozier was working with the R.M. of Paddockwood to get a planning and a zoning by-law in that R.M. in order to be complementary to the R.M. of Lakeland. That activity had not yet been completed and so our determination was to get that activity completed, to have the discussions with the two R.M.s, and to try to arrive at a reasonable solution to a very difficult problem. When our department sat down with the two R.M.s and examined the local zoning by-laws, we arranged for them to have complementary by-laws so that whatever takes place at Paddockwood may also take place in the R.M. of Lakeland and vice versa. There can be no development at either R.M. without a complementary agreement with the other R.M. and we are now attempting to get some rational zoning and development in those areas. There is nothing which says that they must allow

further development, but the development cannot take place unless it's agreed to by both municipalities.

MR. ANDREW: — Mr. Minister, the net result of your cancellation order is that it's going to pave the way for development of properties in the R.M. of Paddockwood. Now prior to that, the Minister of Urban Affairs had placed an annexing order which would hold the property into the R.M. of Lakeland which was against further development pending a further overall plan and study. This seems very fair. Now the meeting of the R.M. of Paddockwood in which your colleague . . .

MR. SPEAKER: — Order, order. It's considered appropriate that the members say a few words as background to frame the question. The member is not on the question; he's on the supplementary. There should be no background necessary. So if the member can get to the question immediately . . .

MR. ANDREW: — The question to you, Mr. Minister, is this: is it in fact not true that you cancelled that annexing order on the instructions of the Minister of the Environment, who made the assurance to the R.M. of Paddockwood ratepayers' meeting that he would arrange to have the order cancelled?

MR. KAEDING: — Mr. Speaker, I made the cancellation on no such recommendation. Our department had a series of meetings with the two municipalities, and with those two municipalities, it was agreed that the Karasiuk Holdings had requested a fairly massive development. It was agreed that would be reduced down to nine residential lots, and that is all that has been agreed to at the present time. There can be nine residential lots in the Karasiuk Holdings. That will not disturb in any significant way, the development of the Christopher Lake-Emma Lake area. There are something like 3,000 lots in that area, and nine lots in the R.M. of Paddockwood are not going to significantly upset that balance.

That was the kind of agreement reached at that joint meeting, and we are confident that is the basis for starting a decent and proper development arrangement in that area. If it doesn't do that we will have to again examine the situation.

Annexation of part of R.M. of Paddockwood

MR. MUIRHEAD: — A question to the Minister of Urban Affairs. Explain to this House why your deputy minister signed a ministerial order on March 25, 1980 to annex part of the R.M. of Paddockwood without going to the people to listen to their concerns? Answer this one, Mr. Minister.

HON. W.E. SMISHEK (Minister of Municipal Affairs (Urban)): — Mr. Speaker, before the order was made there had been discussions. There were two studies which were completed and reported to the department. The order which was made was based on the recommendations.

Century 21 Landmark Properties

MR. MUIRHEAD: — Mr. Speaker, a question to the Provincial Secretary. Could you tell this Assembly of any involvement you or any members of your department have had with respect to problems related to the possible sale, or listing for sale, of a real estate firm or its employees known as Century 21 Landmark Properties, regarding properties in Paddockwood and Lakeland municipalities?

HON. E.L. COWLEY (Provincial Secretary): — Well, Mr. Speaker, this sounds vaguely familiar to me, but I only recall one instance (which might have been the same instance) and that was simply turned over to my deputy minister who took the normal course of action there. If the member would care to put a specific question on the order paper I'm sure I can give him the answer. It was handled in the same way as any other question with respect to a listing would be.

MR. MUIRHEAD: — A supplementary to the minister. Is the minister aware of a letter written to Century 21 Landmark Properties from your department regarding an illegal listing? Would you enlighten us on this, Mr. Minister?

MR. COWLEY: — Well, Mr. Speaker, I do have a reasonably good memory but it strikes me this took place 6 or 8 or 10 months ago. I suppose there are 20 or 30 letters a day which go out of my office, and I must receive copies of 30 or 40 other letters a day. If the member wants to give me the date of the letter and whom it is from, I will certainly check into it and see whether or not I saw it.

Development in Emma Lake Area

MR. ANDREW: — My question is to the Minister of the Environment or the Minister of Urban Affairs, or the Minister of Rural Affairs, whoever wishes to answer the question. My concern basically is this, Mr. Minister and it is also the concern of the residents of Emma Lake: is the government prepared, prior to proceeding any further with development in the Emma Lake area, to freeze development until such a time as there is a long-range plan developed, and further ecological studies have been done to determine water quality and the carrying capacity of the lake? Now, you seem to laugh at that, but I have had representations from a lot of people in the Emma Lake area wanting that full investigation. Before proceeding with any further development, is the minister prepared to conduct a long range study and conduct a further ecological study?

MR. BOWERMAN: — Mr. Speaker, obviously the attendance here yesterday of a twice defeated Conservative candidate from the constituency of Shellbrook is the source of the information for the hon. members opposite. Of course I can see his point in coming and making his case. There have been studies made. Ecologistics did a study . . . (inaudible interjection) . . . No, we didn't ignore them. Ecologistics did make a study; the report is available to anybody who wants it. I can have it given to the members opposite if they wish to read it and concern themselves with it. The R.M. of Lakeland followed that basic study for their development of a zoning plan in the R.M. of Lakeland. The R.M. of Paddockwood did not follow that plan, nor did they have to — nor did the R.M. of Lakeland have to follow the plan, but they did.

Because they have coterminous boundaries (the boundaries relative to Paddockwood and Lakeland) there has been ongoing work done by both the R.M.s of Paddockwood and Lakeland and the Department of Municipal Affairs to bring some complementary zoning order between the two municipalities. As a result of that, there was an order signed by the Minister of Municipal Affairs (Urban) to have an annexation as one solution. Subsequent to the annexation being ordered, there were further discussions between the R.M. of Paddockwood and the Department of Municipal Affairs (Rural) which came to the conclusion that they could develop a complementary zoning order between the two municipalities. Therefore, the annexation order (as I gather, you say and I guess it is true) has been repealed. I would think we should best leave the working

of the matters of the two municipalities to them to resolve and not try to make the issue here a political issue, which obviously the members opposite are attempting to do.

MR. ANDREW: — Mr. Minister of the Environment, concerning the ecological study that you have referred to, I simply ask you for your comment with regard to recommendations. The recommendation says: with regard to private recreation cottage development, no new cottage development for north Emma, middle Emma or south Emma is recommended. Now it strikes me that that is a fairly clear statement from an ecological study as to what in fact should take place. Are you not, Mr. Minister, completely disregarding that in favor of your own constituents who have put pressure on you and in favor of the political pressure being put on by the member for Prince Albert?

MR. BOWERMAN: — Well, Mr. Speaker, I really have felt no political pressure with respect to the development of a subdivision in the area that the hon. member refers to as being the Karasiuk property. I have felt no pressure in that regard. I think I can say that there is another developer in the area who purchased (I believe) a half section of Crown land prior to 1971 and wants to develop 170 or 180 lots. I received a copy of a letter yesterday; it was directed to the Hon. Minister of Municipal Affairs. The letter says that if he isn't going to be allowed to develop those lots he is going to clear cut the half section. He's going to put some pressure on the government in that sense.

There are developments wanting to be made in the R.M.s of Lakeland and Paddockwood. Mr. Speaker, I think we should best leave that development and those decisions to the people who have the responsibility to make them and that is the R.M. of Paddockwood and the R.M. of Lakeland. I'll not attempt to resolve their problems in this legislature.

ROYAL ASSENT

At 10:35 a.m. the Lieutenant-Governor entered the Chamber, took his seat upon the throne and gave royal assent to the bills presented to him.

COMMITTEE OF THE WHOLE

Bill No. 01 – An Act to repeal An Act to incorporate Consumers' Co-operative Refineries Limited.

Sections 1 and 2 agreed.

The committee agreed to report the bill.

Bill No. 02 – An Act to repeal An Act respecting Federated Co-operatives Limited, being an Act to amend and consolidate An Act to incorporate Saskatchewan Co-operative Wholesale Society Limited.

Sections 1 and 2 agreed.

The committee agreed to report the bill.

The committee reported progress.

ADJOURNED DEBATES

Return No. 171

MR. ROMANOW: — I ask leave to adjourn debate.

MR. SPEAKER: — Is leave granted? Those in favor say aye. Those opposed say no.

I believe debate is adjourned.

Point of Order on Procedure of Adjourning Debate

AN HON. MEMBER: — Mr. Speaker, a point of order.

MR. SPEAKER: — What's the point of order?

MR. R.L. COLLVER (Leader of the Unionest Party): — I think you asked if the member had leave to adjourn debate. Is leave a voted-on item, or is leave granted by unanimous consent of the legislature?

MR. SPEAKER: — Perhaps my phraseology was wrong. That's the common phrase used, I suppose. The member has asked leave to adjourn debate and it's a question of the majority ruling on whether he has the right to adjourn debate or not and the majority has indicated they want to adjourn debate.

MR. COLLVER: — Point of order, Mr. Speaker. May I ask then, why you would not call question in terms of adjourned debate when I asked to adjourn debate on Thursday, on Friday, and yesterday? Some members said no and debate was not adjourned. May I ask on that point of order why you didn't call questions then, but you did call question today to the Attorney General's request to adjourn debate?

MR. SPEAKER: — I was just refreshing my memory on the matter the member raised with regard to a previous time in the House. I believe what happened before, if my memory serves me correctly, is that the member asked me to adjourn debate. All I heard was no. Therefore there was no indecision in my mind. It was clear the House didn't want the member to adjourn debate, so debate was not adjourned. Had I heard a yes, then I would have called for a vote and made my mind up on the basis of that voice vote in the Chamber, as I did just now.

MR. COLLVER: — How can Mr. Speaker suggest that he didn't hear a yes? When one member of the legislature asked for leave to adjourn debate, that must imply at least one yes. For Mr. Speaker to suggest that he couldn't hear yes and he only heard no cannot be true. Quite frankly, Mr. Speaker, on previous occasions when one member asked for leave to adjourn debate, that must imply at least one yes in the Chamber, which means that you should have called a voice vote or called a vote on all matters.

Mr. Speaker, I thought that adjourned debate was a leave and that in order to adjourn debate you had to have unanimous consent. Now that I understand that rule clearly, it may develop into a much more proper understanding of the rules, on my part, that in fact adjourned debate is a motion. I didn't realize that. I thought it was a leave question. So I thank Mr. Speaker for correcting me on the rules, but I would suggest if that's true, then on all adjourned debates, a question should be called. Since one member asks for it, he implies yes; if someone else says no, there must be a question.

MR. SPEAKER: — I think it's clear that the Speaker should not be called upon to make decisions about the motives for calling for adjourning debate. Now if the member for Nipawin calls for adjourned debate and if it is rejected by the House, and immediately afterwards he says, I didn't expect it anyway . . . Regardless, the member is debating from his seat, which he is out of order to do.

I suggest to the member that I am interpreting the motives of the member if I interpret that he says yes, without him saying yes. I want to hear you say yes. And I didn't hear yes.

Obviously the member is out of order again. When I hear a yes, I'll call for a vote. And if I don't call for a vote at that point, then the member is quite within his rights to raise a point of order.

Now if it will help the member for Nipawin, I made no interpretation or consideration of the Attorney General's views with regard to whether he wanted that to stand or not. When I heard a contrary opinion expressed, when I said let the Attorney General have leave to adjourn debate, I immediately took a vote. I made my decision on the basis of that vote; not on the basis of the fact the Attorney General was on his feet.

ADJOURNED DEBATES

SECOND READINGS

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

MR. R.L. COLLVER (Leader of the Unionest Party): — Mr. Speaker, it is with great pleasure that I enter into this debate on Bill No. 105. It is interesting to note, Mr. Speaker, that it is now five minutes to eleven on the first day that we've had an opportunity to have morning, afternoon and evening sittings. I now, Mr. Speaker, will have to place on the record my feelings pertaining to what the Attorney General did some weeks ago and the fact that this bill is now being heard in the morning, as I suspected it would be in the long run.

Before I do that, Mr. Speaker, I would like to give every member in this Chamber an opportunity to be more reasonable in terms of this legislation and also an opportunity to conduct the business of the Saskatchewan legislature and the business of the people of the province of Saskatchewan. As we've noticed, all of the items on private members' day have been stood off the order paper today in order to get at public business. This is most unusual, I know, except toward the end of a very long and gruelling session. Today, provided to us by the House Leader, there is a list of the business of the House.

MR. SPEAKER: — Order! I must caution the member for Nipawin that he must speak to the principle of the bill that's before us. If he is not speaking to the principle of the bill before us, he's out of order.

MR. COLLVER: — Mr. Speaker, I'm speaking to my desire to adjourn debate in this Assembly . . .

MR. SPEAKER: — Order! Now, if the members are adjourning debate that's not a debatable motion at this time as there is nothing before us.

MR. COLLVER: — Mr. Speaker, I realize that. I am attempting to pass along to the members of this Assembly the reasons why I would like to adjourn debate. However, Mr. Speaker says it is not a debatable motion and I'm certainly not going to question Mr. Speaker's ruling. The list speaks for itself. Mr. Speaker, in order to give the opportunity for everyone in the Assembly to participate in the business of the people of Saskatchewan, I beg leave to adjourn debate.

I would like a recorded division on that vote.

MR. SPEAKER: — The question before the House is with regard to the adjournment of the debate on Bill No. 105, which was requested by the member for Nipawin.

Motion negatived on the following recorded division.

Yeas – 2

Collver	Ham
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Nays – 40

Pepper	Hammersmith	White
Smishek	Dyck	Solomon
Romanow	MacAuley	Berntson
Messer	Byers	Larter
Kramer	Vickar	Lane
Robbins	Rolfes	Taylor
Baker	Cody	Rousseau
Skoberg	Matsalla	Swan
McArthur	Lusney	Pickering
Gross	Long	Muirhead
Shillington	Nelson	Katzman
Mostoway	Poniatowski	Duncan
Banda	Lingenfelter	McLeod
Kaeding		

MR. COLLVER: — Well, Mr. Speaker, it's certainly a pleasure to see where the members to my right stand on Bill No. 105 finally. It's about time that they got out in the open on this and didn't hide behind the ruse that they haven't taken a position yet. Now they have taken a position on the record and we can certainly proceed with the discussions as we have been pertaining to Bill No. 105 and the impact of Bill No. 105.

It's too bad that the impact of Bill No. 105 is lost on members to my right. It's too bad for political reasons, if you like, that the impact of Bill No. 105 is lost on these people. The fact is that the NDP has been taking over every aspect of people's lives, taking over big Crown corporations and so on, as we have said before; anybody in opposition has attempted to make the people concerned about that. The people themselves don't seem to be awfully concerned about the ever-increasing size of Crown corporations and the ever-increasing power that they have but they certainly are concerned with

whether or not the legislature keeps them in control. The political gain from going out and showing the people that the NDP is not only attacking them through Crown corporations but is also attacking them through the opposition members of the legislature seems to have been lost on members to my right and that is perfectly satisfactory.

They have suggested by this vote today precisely where they stand on the bill. They think that the press or other people would believe that they were only voting on adjournment but I can assure you that will not be the way it's interpreted.

Now you will recall, Mr. Speaker, when we left off last evening, I was speaking directly to Bill No. 105 and drawing an analogy between the five New York Socialists and the impact of what happened to them in terms of the New York legislature and the comments made by Professor Chafee of Harvard University in his book entitled *Free Speech in the United States*. And we left off with some of his comments about the Lusk Committee and Speaker Sweet. Certainly Speaker Sweet is quite an interesting name and I thought all members would appreciate the fact that Speaker Sweet was the one who hustled these guys down in front of the Chamber on opening day and told them that they were no longer members of that legislature and that he would be leading them out.

By the way, Mr. Speaker, (and I am not speaking directly to Bill No. 105), I am not concerned about the fact that the vote was lost 40 to 2. I am sure that if all members had been in this Assembly, including the member for Prince Albert, (why by the way, Mr. Speaker, is one of the most regular attenders in this Assembly; I have never before today seen the member for Prince Albert miss a question period; I wonder where he got his information from, for what it's worth.), I am sure that the vote would have been 58 to 2. The member for Swift Current and I have faced those kinds of odds before, and we will continue to face them. That's perfectly satisfactory to us.

Quite frankly, Mr. Speaker, the principle of the Bill No. 105 is more important in so far as I am concerned, in so far as the future is concerned than anything at all including, Mr. Speaker, whether or not the Progressive Conservatives become the Government of Saskatchewan or not. If this is their attitude toward this kind of repressive legislation – to be quite frank with you, even if they won government from the NDP, they would govern no differently anyway. They would just put a different breed of cat in terms, in charge of the people. They would just put a different breed of cat on the other side, governing on behalf of one group or another. That seems to me to be the kind of government that they are expressing in this vote we had today. That seems to be the kind of attitude that they have toward government which is identical to that of the NDP.

After all, Mr. Speaker, isn't that exactly what I am saying in terms of Bill No. 105? Bill No. 105 is attempting to take away the rights of individual members because they happen to think differently than other members, because they happen to believe that different sets of circumstances and different events are occurring than would otherwise occur. Isn't that precisely what I am saying? Here we saw an example, in this very legislature, of 40 members believing that they should attack two members of the legislature even though those two members of the legislature think differently. Isn't it strange – no it's not strange at all. It's perfectly logical to assume that because those members think differently they would also think differently in terms of Bill No. 105 and its impact on the future and its impact on the people of Saskatchewan.

Speaker Sweet, after consultation with the Lusk Committee, replied that the

Socialists were not expelled but merely subjected to an investigation by the body which was charged by the constitution with the authority to enquire into the fitness of those who seek seats in the Legislative Assembly.

Isn't that interesting. Mr. Speaker, it's just the same as when an attempt is being made to suggest that Bill No. 105 is merely money. It's merely trying to keep the people's tax money away from those awful people who suggest that the country is breaking up. Seeking union with the United States would be more reasonable at this stage than trying to go along accepting the kinds of compromises that are demanded of western Canadians in order to keep Quebec and others in control of Canada and in control of the production of the country and in control of the resources of the country and in control of the culture of the country. Isn't that precisely what we are talking about?

The question presented squarely was whether the different organizations which they sought to represent in the legislature advocated methods and employed tactics to overthrow our form of government which would justify their exclusion from participating in legislative proceedings. He thus characterized the proceeding, as did the Attorney General of New York, not as an inquiry into the personal unfitness of these men or into the overt acts of any one, but into the opinions and words of whole groups.

Bill No. 105 relates to the recognition in the Assembly under The Legislative Assembly Act (which act was just passed less than a year ago) of two or more members as a particular party and having direct concern with that political party.

Surely each individual member, Mr. Speaker, has the opportunity to associate with whomsoever he pleases and to form whatever political organization he pleases. But that's not true in accordance with Bill No. 105. And it's not true, obviously, with the members to my right nor with government members opposite. They believe that the legislature has the right to determine what members shall think, even though they want to continue through the existing system, through the existing parliament, through the existing legislatures in Canada, to present their case within the law and the confines of the existing legislation, and to obey the laws of the land as they exist now. The members have decided that that is not to be. At least they have expressed their indication that they are going to support that kind of attitude.

Now, Mr. Speaker, it is most interesting to see that develop in a province like Saskatchewan, in which a group, such as the Progressive Conservatives, is attempting to displace a government which believes in government domination and control of the means of production of society. Quite frankly, Mr. Speaker, I really don't know how the Progressive Conservatives are going to overcome their support of this legislation in so far as their party is concerned and their supporters are concerned. I don't know how they're going to overcome that and also try to say that the NDP is taking too much power unto itself. That has been the thrust, certainly since I've been in this legislature, of the Progressive Conservatives, who attempt to say that the NDP has too much power. It was their attitude with reference to the Sask Tel bill. It was their attitude with reference to every bill I've heard. It was the attitude of the member for Estevan who said, socialist domination. Who really cares, Mr. Speaker, whether it's socialist domination or conservative domination? What people care about is whether or not they are dominated by a government. They don't really care who the individuals are. They don't really care if the individuals are Allan Blakeney and Roy Romanow or whether the individuals are Eric Berntson and Gary Lane (or whoever else is in charge of that group).

The point is, Mr. Speaker, that the people are going to want a difference, and that's no difference – none whatsoever. If they believe that they can somehow convince the people of Saskatchewan that Bill No. 105 is acceptable and that members of the legislature can be attacked, even though they obeyed all the laws of the land, and at the same time try to say the majority is taking too much power unto itself and there aren't enough checks and balances in the system to protect the minority groups or to protect people from government corporations, Mr. Speaker, that's a very, very sad commentary on Saskatchewan.

And I know that the NDP government is going to be very happy that the Progressive Conservatives have taken this stand. What they have here now is a repeat of the Liberal Party that was in here and was so soundly defeated in the 1978 election. That's what they have in this House now, a repeat of themselves. They just want different cats, different guys, different people in charge of the corporation, and that's the easiest thing to defeat that any government knows of in terms of a presentation to the electorate. The easiest thing to defeat is someone who tries to say that he can do a better job than the guys who are in power, because unless there is an absolute disaster, a drought or people are experiencing tremendous hardships, they are always going to stand with those who are in power rather than with those who are out of power.

And thus, Mr. Speaker, an elitist group can never hope to displace a government that is in power, unless they happen to get extremely lucky. And that's really hoping, Mr. Speaker, I'm afraid, for some kind of luck for the people of the province of Saskatchewan, that we have a major drought or major disaster which will help them to unseat the NDP government of the province. That wouldn't be very good luck, I don't suppose, but that, I think, is now what the Progressive Conservatives have decided in terms of the approach they are going to take. They are going to present to the people of the province this view. Mr. Speaker, I am sorry to say they are doomed to failure. They just don't quite understand what possibilities there are in terms of the electorate, and they have decided to take that approach instead of standing on principle no matter what that principle may mean to them. They have decided to do that, and I am afraid they are doomed to failure.

He thus characterized the proceeding as did the Attorney General of New York, not as an inquiry into personal unfitness . . . (as I said). Finally he stated criticism of the Assembly action without full knowledge of the facts gave aid and comfort to those elements of our society which seek the destruction of our institutions.

Mr. Speaker, I suppose that statement could be applied to the Unionest Party, that we are giving aid and comfort to the idea that Canada is breaking up and that we should seek to join someone else. On the other hand, Mr. Speaker, I'm not so sure that is of particular importance as it relates to Bill No. 105, because Mr. Speaker himself has ruled that the Unionest Party is not mentioned in Bill No. 105. Really, what Bill No. 105 says, in effect, is that no one can think the way he wants, and be part of a third party in the Saskatchewan legislature. After that enlightened legislation which came up in 1975, the first time a third party appeared in this legislature, the government and all members of the Assembly decided it was only fair that all members of the legislature have reasonably equal opportunity to present themselves to the legislature, and so they created third party legislation, created third party status in the Assembly. I know; I was involved in that particular discussion and debate. I know the member for Souris-

Cannington (who is the only one in the House here today) was involved in that particular discussion and will remember the difficulties experienced by the few members in the Assembly who had to face the problems of presenting themselves properly, while other members had the research staff and the secretarial staff to be able to present their case. Beyond that, there is being able to present yourself (this is only an example of the kinds of things that happen in this Assembly) as a party and thus be able to respond, for example, to ministerial statements, and to present yourself as a party during question period as opposed to the circumstance in which an independent MLA presents himself. There is quite a substantial and substantive difference, and Mr. Speaker will know that detracts from the ability of any member to present himself to this legislative Chamber and every member realizes the necessity to (if you want) belong to a party organization.

Nevertheless, criticism poured in, not only from Socialists and labor unions, but from large conservative groups like the National Security League. The New York Board of Aldermen refused to follow the example of the Assembly as to its Socialist members. For once the Tribune and the conservative Weekly Review stood shoulder to shoulder with the New Republic and The Nation, and outdid them in the vigor of their condemnation.

Now, Mr. Speaker, that's one of the reasons I can't understand the position taken by the Conservatives, but that's their business.

The Bar Association of the City of New York adopted resolutions offered by Governor Hughes opposing any attempt to exclude legislators because of their affiliation with any political party, when they are seeking by constitutional and legal methods to bring about any change in the Constitution and the laws. The Association appointed a committee of non-socialists to appear before the Judiciary Committee of the Assembly and safeguard the principles of representative government. No action could have done more to strengthen the confidence of working men in the public spirit of the bar.

The Assembly paid no more attention to these protests than the House of Commons to the remonstrances of Burke and the voters of England on behalf of Wilkes.

You see, Mr. Speaker, when experts and people of the stature of Mr. McConnell, the professor of law at the University of Saskatchewan, presented statements and briefs to the government about this action, even then the legislators refused to listen. The personal motivations of the legislators were far more important to them than the principles which were involved in presenting the case.

The Assembly was past saving but the nation was saved. The American people, long bedrugged by propaganda, were shaken out of their nightmare of revolution.

What I am hoping to accomplish in presenting this case to the people of Saskatchewan, and to others, is perhaps I won't be able to save the Saskatchewan legislature from itself in passing Bill No. 105 (and the member for Swift Current, I know, feels exactly the same way). But we might be able to save others from the same fate, from attempting to use their power of the majority to circumvent the laws and to declare that legislators are breaking the law (even though they obeyed the law) because they are going to pass

retroactive legislation stating that those legislators are breaking the law. Certainly the fact that the payments were made on Friday under the old act will imply to anyone in Saskatchewan, to anyone in North America, when those payments are required to be repaid, they will, without any question, emphasize the fact that this legislature has made lawbreakers of its own members.

We were not responsible for the issuance of those cheques. It was the Department of Finance that issued those cheques, the Government of Saskatchewan. The Government of Saskatchewan in keeping with the old legislation, as it is required to do under the law, paid to the Unionest Party caucus, to the Unionest Party Leader and to the Leader's account, sums of money as required under this act. When this act passes, we will have (by receiving that money) broken the law. There is no question about it. That is what this is doing, Mr. Speaker. It is making lawbreakers out of the members of the legislature with no reason on their part to have been lawbreakers because they didn't break the law. But by passing retroactive legislation, you are forcing us to become lawbreakers.

That in itself doesn't seem reasonable or realistic but, of course, is lost (I am afraid) on those whose political motivations exceed their good sound judgment and their feelings of responsibility toward a Legislative Assembly and the meaning of parliament and democracy. I intend, during the course of this debate, to discuss why this is an attack on democracy. I have mentioned that before. We haven't fairly started on that particular subject yet. I have been attempting to give examples (from this Free Speech in the United States) of legislators who have had to face similar challenges in the past. I continue:

The Red terror became ridiculous on the lips of Speaker Sweet. A legislature trembling before five men – the long lost American sense of humor revived and people began to laugh. That broke the spell. The light of day beat in not only upon the Assembly but upon Congress and the Department of Justice. Never again did the hysteria of the past year return. The raids of January 2 were flood-tide and with Governor Hughes' letter on the ninth the ebb set in. Then followed the opposition of the conservative press and sober speakers to the pending federal sedition bills. The disclosures in the Colyer trial (that's an interesting name) of the illegal character of the New Year's round-up, the decision of Secretary Wilson legalizing the Communist Labor Party, the wholesale cancellation of deportation warrants. The American people owe a lasting debt of gratitude to the New York Assembly.

Now that was Mr. Chafee's (an eminent Harvard legal professor) assessment of what the New York legislature did in terms of freedom of speech and freedom of association in so far as the United States of America was concerned. On the other hand, Mr. Speaker, we don't seem to be learning those lessons, and as a matter of fact the Americans didn't even learn those lessons because they went on to have the McCarthy era in the 1950s; so they didn't even learn that lesson. That backfired on the people who were involved in the McCarthy era. It backfired on the New York legislature. But, Mr. Speaker, it is necessary every once in a while to remind people of what they owe to freedom and what freedom is all about – what free speech and the right to free association are all about.

But there was no return to sanity in Albany.

Do you hear that Mr. Speaker? Albany, for the information of the members is the capital

of New York State.

On January 20, the investigation of the five members began before the Judiciary Committee, which was appointed by the Speaker who had taken such a definite stand against him. At the outset the Bar Association committee appeared with Mr. Mughes as its chairman, but was not allowed to participate in the proceedings. Before withdrawing it filed a brief and these recommendations: 'That the Judiciary Committee at once report to the Assembly that there is no question properly before the Judiciary Committee of any disqualification on the part of these members; that no charges against these members of any constitutional disqualification, or of any misconduct in office, or of any violation of law on their part have been properly made, that the members under suspension should at once be restored to the privileges of their seats, and that if it be desired to present any charges against them of any violation of law, such charges should be properly formulated, and that until such charges properly laid, have been established by proof after due opportunity to be heard, these members shall enjoy all the privileges of their seats in recognition of their own rights and of the rights of their constituencies.'

Do you hear that Mr. Speaker? Even the Judiciary Committee recommended that the members enjoy all of their privileges unless proof can be established that they were seditious, or that they committed treason, or that they were traitors to their country. Has there been any proof established before the members of this legislature that the member for Swift Current and the member for Nipawin are in any way seditious, or are in any way traitors, or in any way treasonous? No, there's been no such proof established.

What are the privileges of members? They are as set out by The Legislative Assembly Act which was passed in 1979. Those are the privileges of the members of this Assembly. Now the government benches decide that that bill was somehow incomplete; they didn't think of the possibility of two members of the Assembly deciding to create a party, and to go forward under the creation of that party to present their views to the best of their ability to the people of the province of Saskatchewan.

Isn't that a little unreasonable, Mr. Speaker? Rather than to shout it out, perhaps whispering it out will get through to some of these members. The fact is that that's precisely what this bill is all about is to withdraw certain benefits, which members voted for themselves less than a year ago, because of the views of two of the members. It's absolutely, utter nonsense and totally without precedent. Well, I shouldn't say totally without precedent; certainly it has precedents, but it is totally without the reasonable and sound precedents which would make any freedom-loving person believe the bill was rational.

I notice, Mr. Speaker, that the member for Moosomin has returned. It's a pity he wasn't here for that last vote to watch his confreres vote in favour of Bill No. 105 to a man. It really is a pity. He, I'm sure, will know, better than most, the members of the executive who will be most concerned with this recent vote by the Progressive Conservatives. I can assure you, Mr. Speaker, that the member for Moosomin, more than any other member in this Chamber, will feel the brunt of that particular move, certainly in so far as his future ambitions are concerned. I believe he should be equally concerned. It's a pity he wasn't here to witness his members decide that they were going to come out unanimously in favour of the NDP government's stand with reference to Bill No. 105

. . . . (inaudible interjection) . . .

No, there are one or two members who sit on this side, neither of whom were in the Chamber, who believe in freedom a little more than the others and perhaps understand the implications of this bill. Others in the Assembly are more inclined to think the same way with reference to this kind of pernicious legislation as the member for Qu'Appelle thinks. I feel the member for Qu'Appelle may find his come-uppance in due course. Certainly he might even find some come-uppance in terms of some documents that have been filed with the Government of Saskatchewan, which I understand the member for Moose Jaw North was reading from here last evening. They may get their come-uppance in a great many ways.

You know, Mr. Speaker, I have often believed – this is a little bit off the topic – that it's a long, long road without any turns. It's a very, very long road and when one has the memory of an elephant, when one develops that kind of memory and remembers what happened in the past, one has a tendency to react accordingly. And when the road suddenly comes upon a turn, it's amazing what interesting facts can come out as a result of the turning of the road . . . (inaudible interjection) . . . I'm getting right on to it now because I know that the members opposite especially want to hear the conclusion of the story of the five New York Socialists.

The position was conclusively established (this position, Mr. Speaker, of the judiciary committee) by the Bar Association in its brief. The question was whether a legislature, especially in the absence of any disqualifying statute, can lawfully unseat a member for opinions and affiliations without overt acts. All the doubts raised as to Berger's exclusions were present here and two more defects besides. The first was the constitutional prohibition already mentioned against any oath or test in addition to that already taken by the Socialist members. This clause had been held by the courts to forbid not merely new forms of test oaths but all arbitrary requirements for voting or office-holding, particularly those based on opinions and party affiliations.

Secondly, the five Socialists were not charged with violating any law. They had been convicted of no crime. They were accused of no crime which could conceivably be a bar to office. They were proscribed for their beliefs and their membership in the Socialist Party.

Mr. Speaker, I think two points are worth commenting on here. There are some who suggest that because I am reading from an American example it doesn't have any precedent or any meaning here in the province of Saskatchewan, nor does it have any precedent in terms of the British parliamentary system. That, of course, is totally untrue and without foundation. The precedents established in any free democracy have precedence in any other free democracy. They may not be legally binding, but they certainly exemplify what can happen in a democracy, in a free society, if people are not absolutely scrupulous in their care and caution about the rights of individual citizens and the rights of individual people within those legislative assemblies.

Secondly, Mr. Speaker, there may be quite a number who say (there may be some) well, you're not being thrown out of the House; you're not being asked to vacate your seat. All you're being asked to do is relax your views a little bit on The Legislative Assembly and Executive Council Act, which act prescribes certain privileges for members of this Assembly. We're not taking that ultimate stand; all we're doing is taking a few of the privileges away from you, because even though precedent and tradition state that

members are allowed to change their minds between sessions without being attacked by their fellow members (and I've already cited many examples of it), nevertheless, you didn't run under that banner in the last election.

Well, taking that same argument to the fore, Mr. Speaker, you will recall when the member for Qu'Appelle crossed to the Conservative Party in this very legislative Chamber it added one more to the number of Conservatives at the time. If you will recall, Mr. Speaker, that made it possible for the Progressive Conservatives to receive one-sixtieth more in terms of allocation and grants from the Government of Saskatchewan. You will recall that precedent has been established in the province.

I would like to give you an even more direct and succinct expression of that belief right here in the province. You will recall, Mr. Speaker, when the member for Thunder Creek crossed to the Conservatives later in the game, that made the Progressive Conservatives exactly the same in number as the Liberals in this legislature. In other words, there were two opposition parties in this Assembly which had identically the same number.

Interestingly enough, Mr. Speaker, the decision by the government was to add all the benefits together and divide it by two. Were there any attacks made on the Progressive Conservatives at that time because they added to their number a member who had not sought election under that particular banner? The answer is no, none whatsoever. When the member for Thunder Creek crossed to the Conservatives that made the numbers equal and that equivalency told the Government of Saskatchewan to add the opposition number with the third party number, divide by two, and that is what was paid in terms of grants to the Liberals and to the Conservatives. You will recall that.

Now, using the same principle, Mr. Speaker, that is being approached in Bill No. 105 – exactly the same – the member for Thunder Creek did not run in the election under the Conservative banner. He ran under the Liberal banner, and you would have said that did not make the members the same in number and, therefore, the benefit should continue to be paid to the Liberal Party as the opposition and to the Conservative Party as third party. But that isn't what happened, Mr. Speaker. Precisely the reverse of that happened. So you see, Mr. Speaker, the whole thing doesn't make sense.

The whole introduction of Bill No. 105 in terms of the standings of parties, or in terms of whether or not a party ran or a member ran under a particular banner in the last election, makes no sense because the tradition is right here in this very legislative body. As a matter of fact, the tradition – as many, many members who sat in this Legislative Assembly from 1975 through to 1978 know – already exists for the principle that when a member crosses the floor, that adds to the opposition and the opposition research grants and secretarial grants are thereby increased because that member is now sitting with that other party.

You see, Mr. Speaker, even in the province of Saskatchewan, the precedent exists for not proceeding with Bill No. 105.

I say to you, Mr. Speaker, that it is a most ridiculous and repulsive bill. I say to you that it is designed only to attack people because of what they believe. That's all. There can be no other possible interpretation of the bill. Since a precedent exists in Saskatchewan for it, since a precedent exists in Canada for it, since a precedent exists in North

America for it, since a precedent exists in Britain for it, there is absolutely no reason, none whatsoever, to say that members must seek office under one party label, under the traditions of the British parliamentary system, in order to receive full benefits of members if they change their minds between elections. There is absolutely no precedent for that kind of law.

The member for Regina Wascana some time ago mentioned that there was a law similar to this in the province of Alberta for one year. It didn't last. I note with interest that he mentioned the province of Alberta. From time to time the province of Alberta has had several laws that were rather strange, to say the least. Their funny-money law during the '30s, their approaches under the Social Credit government in the province of Alberta, and the growth of the technocrat group in the past, Mr. Speaker, created some very strange anomalies which were of a very, very short lived duration. They did not persist because eventually reasonable men and women with reasonable thoughts and actions prevailed. One would have hoped that of this legislative Chamber and, Mr. Speaker, to be quite frank with you I certainly recognize the fact that I am attempting to approach this case from the standpoint of making a presentation to reasonable men and women.

I know that every other member of the legislative Chamber is much more inclined to believe in the facts, if you want, of this legislative Chamber and that is, is the press covering it? Is it getting out to the people? Are you getting any kind of reaction from the people because that's what they believe this legislature is all about? Well, perhaps they are right. Perhaps all the legislature has become in Saskatchewan is merely a presentation to the people through the press. If a member happens to be presenting a case and makes certain points in terms of the presentation of that case and that doesn't get out to the people in any meaningful way, it only stays in this Chamber, then to the members of this Assembly and to the members of this Chamber, they have accomplished their job. They have prevented those reasonably sound arguments from getting out. They have instead made, what I called in terms of the Attorney General, BS arguments which had been made pertaining to the rules of this Assembly. If they get out and confuse the issue, then the members have done their job.

Mr. Speaker, I don't happen to believe that is the only function of a legislature. Certainly, perhaps it is a function of a legislature to play the Saskatchewan press corps. But another function of the legislature might be (if you are inclined to think that way, Mr. Speaker) for individual members of the legislature to use their own good judgment and if you like, try to think through all of the reasons for what they are doing and come to a conclusion that is both reasonable and rational and is not dependent on the whim of the moment or what the Saskatchewan press corps or the editorial writers may be writing; but more importantly what it will do to the future of not only this institution but to the future of free speech in Saskatchewan, the future of free speech in Canada and the future of free speech in the world.

Most societies, Mr. Speaker, (and you will be aware of this) in the world today do not have the right of free speech or the right of free association. Most societies in the world today are exactly the reverse; they are controlled societies. And perhaps in fact that's what the world is becoming. Perhaps the world is taking on the attitude that all that's important is material gain; all that's important is material wealth; all that's important is whether or not we have our two cars in the garage and/or a full belly and/or whatever. But that's the only thing which is important.

But I say to you, Mr. Speaker, that there are rebels now fighting in Afghanistan for the right to

do just what we're doing here today, for the right to speak freely and the right to associate and the right to live their lives as they see fit. They're fighting in the hills against terrible odds; they're going to lose. In the long run, no one would believe that the rebels in Afghanistan could face down the might of Soviet Russia without significant help and support from around the world at all. But they continue to fight. To me it's a very interesting analogy between the situation that now exists in Saskatchewan and the situation in Afghanistan.

Well, you know the member for Regina Rosemont says, ah come on. I'm not speaking in terms of life or death, member for Regina Rosemont. I am speaking in terms of odds and the odds against the member for Swift Current and the member for Nipawin are pretty long. There are 58 members in this Chamber who are apparently against us on this bill and only two of us who support this particular concept. We've already proved that it doesn't have anything to do with money since the money is going to the Nipawin Donors' Choice (a community fund). So it certainly isn't money.

It's the issue that's involved here and the principle involved. I cannot believe the members would subscribe to the principle that members of this legislature should be attacked for what they believe, when they haven't broken any laws, when they've complied with all the laws of the land and are putting forward their ideas to the best of their abilities. I can't, for the life of me, believe that members would try to put forward that idea. However, that may be their desire.

Now, Mr. Speaker, they go on to say:

The action of the Assembly must be characterized as a flagrant usurpation of power, only to be found in that 'invisible government' of which Senator Root, who had good reason to know, said that for 40 years it has been about as representative and responsible as the Government of Venezuela:

It makes no difference, he said, what name you give, whether you call it Fenton or Conkling or Cornell or Arthur or Platt or by the names of men now living. The ruler of the state during the greater part of the 40 years of my acquaintance with the state government has not been any man authorized by the constitution or by the law.

Don't you find that interesting and fascinating, that this man would liken what happened in New York city or New York state with Venezuela? The member for Regina Rosemont thought it was particularly humorous that I likened what was happening here to the rebels in Afghanistan, not in terms of the life or death situation, but in terms of the odds. The odds are they're going to lose. But they keep on fighting.

Mr. Speaker, I tell the member for Regina Rosemont and anybody else in this Assembly, including the vast majority of members to my right, that I'll continue to fight. I will fight until I can fight no longer just as the rebels in Afghanistan are going to fight until they can fight no longer because they believe in something. They believe that what they're doing is right and because they are convinced that what the others are doing is wrong. Well, I am that convinced and so is the member for Swift Current that what you are doing is wrong and we will continue to fight.

The conduct of the investigation was thoroughly in harmony with its illegality. It was not based on any definite charges nor was it even limited to the accusations in the Resolution of January 7, 1920. The affair had all the characteristics of an accumulative crime as described by Burke in the Wilkes

case. Whenever the Attorney General or his associate counsel thought of some new offence with which the Socialist Party could be taxed, it was lugged into the case and made a fresh reason for exclusion. The resolution was construed as a roving commission to the judiciary committee to find as many objectionable opinions of the Socialist Party as possible on the theory that 27 bad grounds for exclusion might be rolled together and make one good ground.

Inasmuch as there was no demarcation of counts in this rag bag in every reopened indictment, those single facts had to be proved to the satisfaction of the majority of the Assembly. One member could vote to exclude the five Socialists because he thought they were as guilty under the Espionage Act as the three men who were convicted at Syracuse; another, because he considered socialism threatened the family; a third, to protect the church; a fourth, because Socialists sought to set up a Soviet in the United States; someone else, because he disliked the vote of Klassen's against the military training of boys. Others might object on the grounds that the party fostered the claims of conscientious objectors, or worked for the repeal of the draft, or opposed the conscription of labor or voted against large military appropriations. The range was large and every member could find a reason of his own. It was the Wilkes case over again. The very enumeration of so many grounds of expulsion implied their separate weakness and inefficiency while it was designed to attract the support of members influenced by different reasons for their votes.

Few legal documents furnished more delightful reading than the outline as it was called, The Case of the Assembly Against the Five Socialist Assemblymen. The title is a significant comment on the impartiality of a tribunal which constituted itself both judge and prosecutor. This made it clearer than ever that the Socialists were excluded only for the supposed principles of their party. The nature of whatever charges, personal and fitness, were made, may be gathered in the following attempt to fasten overt acts on Solomon.

In 1692 the chief accusers of the Salem witches were a club of young girls who sent more than one old woman to her death by telling how they had seen her drink their blood or cause a yellow bird to sit on the minister's hat where it hung on a peg in the pulpit.

In 1920 a stenographer just under 18 years old testified that three years before, when she was barely 15, she heard Solomon (one of the five members) make a speech in Brooklyn with an American flag and a red flag flying on its stand. A detachment of soldiers rode up recruiting and asked to borrow his platform. She heard Solomon reply, lend you my platform, can you borrow my platform? The gutter is good enough for you. They spoke from their jitney and went on. Nor was this the worst. A band of music came by on a trolley car, stopped about three minutes and struck up the Star Spangled Banner. Then in her presence and in the presence, she declared of two policemen Mr. Solomon turned up his coat collar, put on his hat, folded it over his eyes, spit on the American flag and sat down. And the police did nothing, said this little girl. The spy who was regularly employed by the government was brought into undesired publicity by the Colyer trial. The voluntary informer is also a recurrent feature of all prosecutions for opinion

since the day of Titus Oates and beyond.

The Attorney General's brief reprints the girl's testimony without question. Although the two policemen attending Solomon's speech took the stand to swear that no such disloyal acts occurred, the meat of the outline is the portrayal of the inequities of socialism. This is a very different affair from the body of economic principles which is attacked by Carver, and other economists, none of whom was summoned as an expert by the prosecution. The outline conceives it as a revolutionary party, having the single purpose of destroying our institutions and government and substituting the Russian Soviet Government, an anti-national party whose allegiance is given to the International and not to the United States. Its purposes, mass action and the general strike, are treasonable. For its crimes the five members are responsible, and more than that for the acts of any other person in that party whether or not he belongs to their particular faction. As Mr. Stanchfield for the prosecution openly stated, the whole theory of this investigation rests under the proposition that the Socialist Party, of which the five members under investigation are confessed members, has embarked upon the program that calls for the overthrow of our form of government, some assert by constitutional means, others by violence.

Now, assuming that that program is the basic charge under investigation, then my argument runs along this line: that every pamphlet, every declaration, every speech, every statement of every man who is affiliated with or belongs to that party, not necessarily in the technical sense of belonging to it, but everybody who upholds these claims, who supports these principles, who stands upon that platform, is bound by the speeches, the sentiments, the writings, the books, the publications of every other man affiliated with that association whether they were present at the time when it was made or they were uttered or whether they were absent. (That's what the prosecutor in that case said.)

No person who followed with any intelligence the proceedings of the Socialist Party at the convention of September, 1919 or May, 1920 could doubt that that party was as much divided into factions as any other.

Nevertheless, the five members were held responsible on the principle just stated, not merely for the statements in the party's platform but also for the Debs speech at Canton, Ohio.

Now, Mr. Speaker, I just want to interject there to say one more thing. There has been guffawing from their chairs by members both to my right and from the government benches about whether or not this bill is an attack on a political party. As a matter of fact, Mr. Speaker suggested that the bill doesn't mention the Unionest Party, although it does mention a political party which is the third party in the House.

I say to you, Mr. Speaker, that on television, on the radio and in the newspaper, Mr. Grant Devine, Leader of the Progressive Conservative Party, all of whose members today stood in his support on that bill, stated publicly the reason why the bill is a good thing and why his party would support it is that he does not want the taxpayers' money to go to a party that supports the break-up of Canada. That is the avowed statement of the Leader of the Progressive Conservative Party in this province.

Now, Mr. Speaker, I believe it's nearing 12 a.m.

The Assembly recessed until 2 p.m.