LEGISLATIVE ASSEMBLY OF SASKATCHEWAN June 3, 1980

AFTERNOON SESSION

Debate on Bill No. 105 (continued)

MR. R.L. COLLVER (Leader of the Unionest Party): — Mr. Speaker, I yield the floor to the member for Qu'Appelle to introduce students.

WELCOME TO STUDENTS

MR. J.G. LANE (Qu'Appelle): — Thank you, Mr. Speaker, and the member for Nipawin. I would like to introduce to the Assembly some 14 students from Balgonie School. They're in Grade 4. They're accompanied by Elaine Caswell. They've had a fairly hectic day today touring CKCK Radio, the Leader-Post, and the Museum of Natural History. They're in the Assembly this afternoon in the Speaker's gallery and I would hope that all hon. members would join with me in welcoming them and wishing them a safe journey home.

HON. MEMBERS: — Hear, hear!

INTRODUCTION OF GUESTS

HON. R.J. ROMANOW (Attorney General): — Mr. Speaker, I should like to introduce to the members of the Legislative Assembly and to you some very distinguished visitors to Saskatchewan, in the persons of His Excellency Paul Willem Jalink, the ambassador of the Netherlands to Canada, Madame Jalink, and their daughter, Miss Jalink, who is accompanying them on this tour. They are also accompanied by Mr. Van Swinderen, the consul general in Vancouver, and his wife, as well as Mr. Grolle, the honorary consul in Regina, and Mrs. Grolle. The ambassador has had a very distinguished record of service to his country. Most immediately he was posted, prior to receiving the ambassadorship in Ottawa, as the Netherlands' ambassador in Jakarta. Prior to that he served in Brussels and then in 1964-1968 as counsellor in the Netherlands embassy in Bonn, West Germany.

Members of the Legislative Assembly will know that the ambassador and his wife and family are here on a get-acquainted trip and for discussions with various government and other people. On behalf of the Premier and all the members of the Legislative Assembly, I would like to extend a very warm welcome to our distinguished visitors and have them rise and be acknowledged.

HON. MEMBERS: — Hear, hear!

MR. D.G. TAYLOR (Indian Head-Wolseley): — Mr. Speaker, on behalf of the loyal opposition, I would like to welcome the ambassador from the Netherlands, the members of his family and his accompanying colleagues. I hope you enjoy your visit to our province of Saskatchewan. I must say it's a little drier this year than usual. The wind is blowing today; I suppose that's typical, but this is what Saskatchewan is. Welcome here, and I hope you enjoy your stay.

HON. MEMBERS: — Hear, hear!

MR. COLLVER: — Yes, Mr. Speaker, just before I commence I would like to apologize to the young students from the constituency of Qu'Appelle and to the Ambassador for what he, I'm sure, hoped would be an exciting day in the Saskatchewan legislature.

Unfortunately, Mr. Speaker, the speeches you are about to hear today may not be as exciting as you perhaps have heard is usually extant in the Saskatchewan Legislature. That is because (although some people would suggest that one member of this Assembly is attempting to filibuster), we are attempting to present a rather lengthy argument in favor of our position on a particular bill and it is necessary from time to time to refer to extremely dry subject matter in this lengthy presentation of our opposition to the bill.

So if it has a tendency to drag, do not believe that that is normal in this Assembly. Sometimes it can get quite exciting, but I don't think this afternoon is going to be one of those occasions.

One further thing, Mr. Speaker, with your leave – last evening during my discussion of the importance of Bill No. 105, I inadvertently was thinking about football and not thinking about this Chamber, and I inadvertently referred to our fine Sergeant at Arms as Archie Manning rather than his proper name of Archie Ponto. I want Mr. Ponto to be assured that I knew his name then and I know his name now, and I had no intention of his trying out for the Calgary Stampeders or any other football team; although he would probably be equally good there as he is as Sergeant at Arms in this Chamber. But I do want to correct the record. I do understand his name is Archie Ponto and not Archie Manning.

Now, Mr. Speaker, you will recall when we left the exciting saga of the five New York Socialists, we left them hanging in limbo just before we broke before the noon adjournment.

I want to say, Mr. Speaker, thank you to the member for Qu'Appelle for making his brief appearance in this Assembly. Sometimes I have occasion to refer to the member for Qu'Appelle, and it's fortunate that from time to time he has to introduce students – to take time from his busy law practice and other places to introduce students in this legislature – and that enables him to be here to hear the proceedings that are occurring in this Legislative Assembly. And I do appreciate him being here for however brief a moment in time that he may possibly wish to be here.

Now you will recall, Mr. Speaker, that Mr. Solomon turned up his coat collar, put on his hat and pulled it over his eyes, spit on the American flag and sat down. Now that was where I left off before we broke for lunch. And I do want to as quickly as possible get through with this saga because, Mr. Speaker, there is an even more exciting saga about democracy and the rights of man coming up that is so pointed to this bill. As you will recall I stated in my proposed amendment that this particular bill is totally against the rights of individuals and the rights of people, and there was no better author than this one who wrote The Rights of Man which expressed those views so poignantly. So I want to hurry through the New York Socialists in order that I can get right on with The Rights of Man.

This author, Professor Chafee, goes on to say:

The spy who is 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 had occurred. The meat of the Outline . . .

And you will recall, Mr. Speaker, the Outline was a newspaper that was being published at the time.

... 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, Taussig 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 . . . '

Now, Mr. Speaker, just to bring it back for a moment, and to remind the members (although I believe I have done this before) that is what Bill No. 105 is all about. Bill No. 105, as Mr. Speaker will know, is an attempt by the government, by the majority to bring about changes in The Legislative Assembly and Executive Council Act, (which was just amended less than one year ago by the same members who sat in this Chamber) to bring about an amendment which is retroactive and which would state that members of this legislature, because of what they believe, because they believe that the union in Canada is breaking up, and that the people of western Canada should look elsewhere to another union to provide them with the necessary standard of living, material benefits and other benefits which could come from that other union; that two members of this Assembly, having founded a new party in the province of Saskatchewan, should now be attacked by the present NDP government, the majority in this Assembly. And quite frankly, too, as we saw today in the vote, the Progressive Conservatives have decided to throw away their principles and freedom of speech and to support the socialists in attempting to gain all control of the government and even that one final vestige of control, the legislature, to try, in this bill, in some way to coerce opposition members of the legislature into thinking their way.

You will recall, Mr. Speaker, this particular case of the five New York Socialists is right on point because at no time has the member for Swift Current or I ever presented any suggestion to the people of Saskatchewan or to the people of Canada that we want to contribute to the break-up of Canada. As a matter of fact, it is quite the contrary. There are organizations given grants by the NDP, by the majority government in Saskatchewan, which are attempting to contribute to the break-up of Canada. I suggest to you one of those organizations is the French cultural association which advised its members in Quebec to vote yes on the referendum and another would be the Marxist-Leninist group in the province which so materially disturbed this legislature not three or four weeks ago. They are in fact controlled by a foreign power and are attempting, through violent means, to overthrow the government in Saskatchewan and the government in Canada. Yet the government opposite, the NDP, has provided grants to that organization and to the publication which that organization sponsored.

What we are saying is, because these New York Socialists put forward their ideas about their opposition to the first Great War and America's participation in it, they were attacked by the New York legislature. At no time did they suggest or give aid and comfort to the enemy. At no time did they suggest the destruction of the state. What they said was this is wrong; what is happening is wrong; the future of the country

should not be to enter the first Great War. In our case, we are saying the future of the country is doomed; that in no possible way can you reconcile the desire of the people of Quebec to have bilingualism across the country when the desire of the people of Saskatchewan is exactly the reverse. You can't reconcile the desire of the people in central Canada to control all of Canada by saying that the people in the West should obtain their benefits from their resources as opposed to the people of the East putting forward the benefits from their resources. So you can see, Mr. Speaker, this outline (and it is a very brief outline at that) of the case of the five New York Socialists in the 1920s is an identical case to that which is presently before the Saskatchewan legislature.

Now, Mr. Speaker, I know the members are anxious to get on with the discussion. I know they will be aware of the tremendous damage which can be done to the rights of free men everywhere by a passage of this bill. It is only because of the stated opinions of the Leader of the Progressive Conservative Party (who is not in this Chamber), by the pseudo leader of the Progressive Conservative Party (who was in this Chamber but is no longer in this Chamber) and by other leaders in the Progressive Conservative Party and by the Leader of the NDP, the Premier of the province, that the member for Nipawin is a danger somehow to society because he presents these cases. They said (for some unknown reason which is inescapable to me) we took him for granted once; we are not going to take him for granted again. His organizational abilities have to be recognized. We certainly don't want him out there organizing on behalf of the Unionest Party of Saskatchewan, and, therefore, they decided to introduce legislation that will retroactively remove the rights of the Unionest Party in this Assembly.

Now, Mr. Speaker, back to the Outline again because it's a very important case. This is a very different affair, as I said:

The Outline conceives it as a 'Revolutionary Party' . . . an anti-national party whose allegiance is given to the Internationale and not to the United States. Its purposes, mass action and the general strike are treasonable.

Did you hear that, Mr. Speaker, a general strike. How many times in this legislative Chamber have we heard members of the NDP side of the House refer to the Winnipeg General Strike in positive terms? How many times has the NDP raided the Winnipeg General Strike as a turning point in Canadian history? You will recall that the Winnipeg General Strike came at a time in North American history when all the institutions in North America were collapsing, many of the institutions in the world were collapsing and the economy was at its lowest point in history. There were no social programs in place and people were actually starving in the province of Saskatchewan at the time of the Winnipeg General Strike. At that time, there were a few people who were shot (I don't recall if anyone was killed in the Winnipeg General Strike but I know there were a number who were shot as a result of that).

The members on the NDP side of the legislature, time after time in this House, have referred to the Winnipeg General Strike as the turning point in Canadian history and the one that suddenly made people realize that socialism was a reasonable alternative to that kind of government being proposed by the governments of the day. Socialism was not looked upon, for the information of the members opposite, at all times as positively as it is today in Saskatchewan. The socialists didn't hold a government in North America but they had elected members to various legislatures, Mr. Speaker. They did elect members to the New York legislature for example, and in the New York situation they were attacked and reviled. You will recall that from the previous episode in this saga of

the five New York Socialists. I continue:

No person who followed with any intelligence the proceedings of the Socialist Party at the convention of September, 1919 and 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 platform but also for the Debs speech at Canton, Ohio.

Now that's where I actually left off in this dissertation just before lunch, Mr. Speaker, with statements in the Moscow Manifesto, for extracts, etc., etc. These individuals were held responsible because others who subscribed to the same principles were subscribing to a more violent overthrow of the United States government. These individuals who were members of the New York legislature were held responsible because others were suggesting that the country was not going to survive.

Mr. Speaker, don't you think it's interesting that the Unionest Party in Saskatchewan today is being held accountable for the views of Mr. Levesque and the Parti Quebecois in the province of Quebec? Had it not been for the rise of separatism in Quebec and if it had not been for the rise of Mr. Levesque in the province of Quebec, perhaps the Unionest Party and the principles thereof would have been portrayed for the people of this province at any rate. Perhaps if that hadn't occurred the people wouldn't have gone around to their members (and I suggest only the ones who are not concerned about the preservation of democracy) and said, we will not use our tax dollars to support anyone who wants to break up Canada. You recall that is what the Leader of the Progressive Conservative Party said in public statements all over this province, and that is the reason for the support of the Conservatives of this bill. It has nothing whatsoever to do with any of the problems or difficulties that the legislature itself will face. It doesn't have anything to do with any of the problems and difficulties that future generations will face as a result of this precedent. Mr. Speaker, suppose for example, the member for Swift Current and I were to just say O.K., let's capitulate, let's fall in, let's cave in to this bill. Let's suppose there was absolutely no opposition to the bill at all. Let's suppose, Mr. Speaker, there aren't any monetary aspects involved, since (as I've already mentioned) any moneys coming to me have gone to the united fund in Nipawin, which in Nipawin is called Donor's Choice. I've said that before.

But, Mr. Speaker, since there is no money involved (we're not talking money; we're talking principle), suppose we just cave in, suppose we just quit and say, O.K., to heck with it. Let's get on with business; let's get out of the legislature. The press is tired of the legislature, obviously and apparently. The members to my right would normally be tired of the legislature, but since they became full-time fully-paid members of the legislative Chamber, they are obviously not tired of it. They want to continue on with the kind of session we have had so far. The members opposite (I'm sure the full-time members of the legislature, and even those who at one time had two part-time jobs and are now happy with one full-time job) are prepared to stay in the Chamber for as long as they like. But there are some members of the legislature who are getting a little sick of it. They are getting a little tired of it, and they would like to perhaps go home to their families and return to their constituencies to do their jobs. Unfortunately, Mr. Speaker, the full-time aspect of being a member of this legislature is becoming increasingly apparent to all. They really like it. I suppose some are more full-time than others, Mr. Speaker. The member for Qu'Appelle is definitely part-time or full-time . . . (inaudible interjection) . . .

The member to my right for Rosetown-Elrose asked which bill I am speaking to. Goodness gracious, I'm speaking to The Legislative Assembly and Executive Council Act to which an amendment is being applied – Bill 105. If the Legislative Assembly and Executive Council Act doesn't deal with members of this legislature; if The Legislative Assembly and Executive Council Act doesn't deal with the salaries of MLAs; if it doesn't deal with the quirks of MLAs; if it doesn't deal with the research officers and assistants provided to MLAs; if it doesn't deal with the way MLAs behave in this Chamber; then I don't know what The Legislative Assembly and Executive Council Act is all about. Quite frankly, Mr. Speaker, that's precisely what The Legislative Assembly and Executive Council Act is all about, and I feel fully obliged to draw to the members' attention the reasons Bill 105 is unacceptable to our party. It should be unacceptable to all people who believe in freedom of speech and the right of association. I realize that's lost on some individual members, who have ideals and ideas elsewhere and who are more desirous of being full-time NDP members; and I suggest to you that's in fact what has happened in this Assembly. We have two kinds of NDPers: an NDPer who believes in nationalization of industry; and an NDPer who believes in the same club, but through different means. They believe in large industry, taking over and controlling everything as well. And it's just a different group of guys who will sit in the driver's seat. The NDPers believe that they are the best; the Conservatives believe that they are the best. I suggest to you, Mr. Speaker, the people are going to suggest at some point in the near future that neither one of them is the best, because neither one of them is offering any alternatives whatsoever. It's just different strokes for different folks; I suppose you might refer to it as that.

When such testimony and arguments were admitted, the result was a foregone conclusion. The Committee recommended expulsion, the Assembly characteristically waited until April 1, which was too late for a re-election, and then expelled the five members by an overwhelming vote.

Now, you see, in New York at the time they didn't like socialists very much, so they played every little trick they could possibly play. They waited until it was too late for re-election and then they expelled the five New York Socialists by an overwhelming vote. It's very similar, Mr. Speaker, to the overwhelming vote that occurred this morning in this Chamber – 40 to 2 I believe. As I say, I'm sure it would probably have been 58 to 2 had every member been in his place. Those are pretty long odds. In this case of the New York Socialists, it was an even larger number.

The Legislature next enacted several bills drafted by the triumphant Lusk Committee.

Now, Mr. Speaker, you will recall that this Professor Chafee from Harvard University made a comment earlier in this dissertation that although the New York Assembly continued on its merry way to attempt to coerce the voters and to convince the voters that somehow they should be attacking members of the legislature for their views, in fact, as a result of the New York legislature's stupidity, democracy and the rest of the United States were saved.

Who knows, Mr. Speaker, maybe as a result of the stupidity of the members of the legislature, from the NDP and the Conservative Party, maybe the rest of democracy in Canada can be saved, maybe the rest of democracy in the free world might have one little step forward on its behalf.

The great strength of our argument against violent-talking radicals in the

past has been that we could say to them: it is true that in the countries that you come from, you naturally resorted to violence because you had no vote and could not abolish the abuses to which you objected. It is not so in this country.

Now remember, Mr. Speaker, he is speaking about America, but we could equally speak of Saskatchewan and Canada.

It is not so in this country. If you want a change, go and vote for it.

Now remember, Mr. Speaker, what we're talking about here is the preservation of a democracy in which violence is not prevalent and surely that is the ideal. Surely we're not telling men and women everywhere that violence is the only possible way to make change. If that's what you tell people, then the actions of the Marxist-Leninist group that attacked this legislature several weeks ago would be in order. And, those of us who have had to sit in the Chamber during those attacks should not be shocked. Mr. Speaker will also recall the attacks that went on in the legislatures of Germany in the late '20s and early '30s where people's only choice was to resort to violence. What Professor Chafee is saying in this section is: if you want the change – go and vote for it. Vote for the men who promised to bring it to pass.

Now, Mr. Speaker, remember when I quoted last evening and the evening before from the words of Tolstoy, one of the greatest writers in the history of the world? He said he couldn't write for years and years and years. Why? Because the censorship laws prevented his thoughts from occurring. It didn't have to do with the actual passage of the law. It didn't have to do, as with this bill for example, with the censorship of two members of the legislature. No, it had to do with the fact that law was on the books. And because that law was on the books, he felt (out in his garret or wherever he was writing), that he could no longer write because the law would only say he would be shot down anyway.

I want, Mr. Speaker, for you to think and consider for a moment the thoughts and feelings of those people out in the province of Saskatchewan who may not believe in the principles of the Unionest Party, but also don't believe in the principles of the NDP, the Conservatives or the Liberals. What will this bill do to those people and their rights as free citizens? What will this bill do to their feelings as free citizens of the country? I suggest, Mr. Speaker, that what this bill will say to them is don't go out and start a new party; don't go out and work hard for a new party. Don't do it because the censorship rules passed by the legislature in the province of Saskatchewan are going to be stringent enough that if you do happen to come as a new party, you're not going to be accepted by the legislature.

Mr. Speaker, I suggest something else to you. Suppose for a moment, given the principle of this bill which says that (and this is one of the arguments of the government which, I suggest to you, is a fallacious argument but I'm going to take the argument of the government at any rate) in order to be a recognized third party in the province in Saskatchewan, it must have been a registered party at the time of the last election.

Now, I want to ask this question of the members. Suppose a relatively large group of NDP members of this legislature decided, for what must be reasons of their own, that the NDP was no longer the vehicle through which they could conduct the business of the people. Let's suppose even that majority of the members of the NDP decide that that is no longer a vehicle through which they could possibly work. Suppose that the

cabinet or the Premier refused to call an election on that issue. And suppose that half of the NDP and all of the Conservatives decided that because the Premier was so arrogant and refused to call an election on the issue, they would defeat the government and approached the Lieutenant-Governor to form a new government. That's well within the realm of possibility. I can't imagine how any of the NDP backbenchers, no matter what they thought, could possibly want to associate with one or two members to my right, but that would be certainly their choice. But let's suppose that happened.

The principle of this bill says that group of members couldn't even govern Saskatchewan. Think about it. Fifteen or sixteen NDPs and fifteen Conservatives come together and form a party. The Premier refuses to call an election. They defeat the government in this House and they approach the Lieutenant-Governor to form a government. The principle of this bill says they couldn't be government because they didn't run under that banner in the last election. That's a fact, Mr. Speaker.

I mentioned before the history of the Unionist Party in Canada. The principle of this bill would specifically state that the Conservatives and the Liberals who in 1917 decided to get together and form a Unionist government to better prosecute the Canadian effort in World War I (and I'm talking not the real principle but the stated principle by the NDP, if that stated principle by the NDP were true) couldn't govern Canada because they hadn't approached the people at the previous general election... (inaudible interjection)... Not wrong! Not wrong! They couldn't govern Canada under that principle at all. Because the principle is that a party, in order to govern (that's what the NDP says is the principle in this bill), and in order to be recognized, must have run in the last election.

Now, Mr. Speaker, the member for Regina Wascana, again from his chair, is attempting to give history lessons. We had this discussion in the cafeteria one day. Quite frankly, Mr. Speaker, I thought the member for Regina Wascana would come to his senses and recognize that if they governed for one day, if they governed for 60 days, or if they governed just during the period of the writ, they nevertheless governed before the people went to the polls. Those are the facts of the Unionist Party in Canada in 1917. The Liberals and Conservatives got together, formed a Unionist government and then went to the people under the Unionist Party banner. But during that period they governed Canada. If the principle of this bill were followed, that party couldn't have governed Canada because they had not sought election in the previous election.

Or, Mr. Speaker, I will give you another example. This happened, I believe, recently in the province of Nova Scotia (it was certainly one of the maritime provinces) where the number of members of two particular parties were even in the House, almost dead even, as I recollect. So the people said that both groups, the Liberals and the Conservatives in that maritime province (I just can't remember which one – maybe it was New Brunswick – anyway one of the maritime provinces) were dead even, exactly even. One of the Liberals crossed the floor to the Conservatives, and they were able to form a majority government. Under the principle of this bill, Mr. Speaker, that shouldn't have happened. That couldn't have happened.

AN HON. MEMBER: — All the way wrong.

MR. COLLVER: — Well, you see, all the way wrong. I must be hitting a nerve here, Mr. Speaker. Gosh, I should have tried this approach earlier. Because if the members are yelling across that I'm wrong, I must be hitting a nerve in terms of the logic I am presenting to them now. The point is, if you do not recognize a party in the legislature.

then how can you recognize a party for purposes of governing? Surely that is true. The principle of this bill, according to the NDP, is that a party must approach the electorate before it is recognized as a party in this legislature. Now, surely it refers to a third party, Mr. Speaker, but the principle applicable to third parties surely applies to opposition parties and to government parties. And suppose, Mr. Speaker, the people of Saskatchewan, God forbid, select in the next election neither the NDP nor the Conservatives, nor even the Unionests. Let's suppose they select an even number, an exact even number, and Mr. Speaker is required to cast a deciding vote, or no one can be talked into being the Speaker. That is another thing that happened in the maritime legislature. They were able to convince a member from the opposite benches, from the opposition benches, to become Speaker in order that they could get . . . (inaudible interjection) . . . I obviously was impressing the members opposite, but I certainly wasn't impressing the Saskatchewan press corps with that rather enlightened argument. So I think, Mr. Speaker, I will return and try to conclude the story of the five New York Assemblymen.

The New York Assembly deprived us of this argument in the state where the left wing is strongest. It appealed to force as the normal method for settling conflicts between ideas. It disenfranchised 60,000 American citizens on the basis of a caricature of Socialism. It repudiated government by representation and substituted government by misrepresentation.

Now, Mr. Speaker, that concludes the sage of the five New York Socialists. However, I would like to just read a summary (and you will notice, Mr. Speaker, I am not trying to bore this Assembly with the entire book entitled Free Speech in the United States). I would like to conclude with a summary by Professor Chafee of what should be done. He entitled this section of his book, Control by the Government of Its Own Officers. Now, I am quoting from Professor Chafee:

The earliest form of freedom of speech secured by the English Parliament was the immunity of its members from responsibility to the King, or in the courts for what they said in debates. Our constitutions give a similar protection to American legislators. They are accountable only to the body to which they belong. This notable right does not, however, insure complete liberty of thought in the legislature. Whether properly or not, the legislative powers of exclusion and expulsion, (Mr. Speaker, I want to add to Professor Chafee's words; I want to add the legislative powers of exclusion and expulsion and coercion.) are sometimes exercised against a member because of his heterodox views. The exclusion of Victor Berger from Congress and the five Socialists from the New York Assembly showed that legislatures are no more likely than courts to investigate men's opinions in an enlightened and impartial spirit.

Little as I like the election methods of Vare and others, who were excluded from the Senate in the 1920s for large campaign expenses, still if either House of Congress can create an extra-constitutional requirement of fitness in such cases, there is some danger that it may also feel entitled to impose its own standards of loyalty and orthodoxy in the future upon men whose views, however unacceptable, have been approved by the majority of voters in the states which elected them.

Now, Mr. Speaker, just to interject there on Professor Chafee's views, I was elected by a

majority of people in Nipawin and the member for Swift Current was elected by a majority of people in Swift Current. We are the duly elected representatives of those constituencies. However much the members in this Chamber might like to see us not be the duly elected representatives of those constituencies, we are in fact the duly elected representatives of those constituencies. To suggest that we, as members, are not entitled to the same, exactly the same, rights and privileges as the remainder of the members of this Chamber is to attempt to coerce our group into believing the same as their group. That, Mr. Speaker, is unacceptable to anyone who believes in free speech and free association.

I know, Mr. Speaker, that argument is lost on most members of this Assembly. I certainly was extremely disappointed today to see the Conservatives stand quite so solidly against me and against the bill. I would be concerned, if I were them, as to my motives given the four basic principles of the Progressive Conservative Party which appear on all their literature (I understand it still does) which unfortunately they seem to have forgotten. Well, I would have to attempt to try and remember them at this point, Mr. Attorney General, but Mr. Speaker might rule me out of order. The move by these people shocked me. I thought perhaps there were more there who believed in those principles they tried to insert in all their documents. Perhaps they will remove those from their documents and just put: management of the people's resources is our goal. We can manage them better than anybody . . . (inaudible interjection) . . . Oh, just a moment, Mr. Attorney General.

What they are saying by disregarding those basic principles, Mr. Speaker, what they are basically saying to the people of Saskatchewan is this – you guys have a Rhodes scholar and we have a professor of agricultural economics. Our guy is better than your guy; our people are better able to do it than your people. I want to tell the Conservatives, Mr. Speaker, when they try to bring that to the attention of the people, unless there's a huge drought or unless there's absolute economic chaos in Saskatchewan, absolutely no one, Mr. Speaker, and I mean that, absolutely no one in Saskatchewan wants to change one administration for another . . . (inaudible interjection) . . . No, I'd say they don't want to change even if it's rotten, and I think your government is rotten but that makes no difference . . . (inaudible interjection) . . . Oh, yes I do.

Even if the government is terrible people won't make a change from one set of administrators to another set unless there is some reason. You are not going to be able to drum up enough reason to do that before the next election. There might have been a chance if you had stood on your principles, but having decided to go against your principles, I suggest that you have little hope. I wouldn't be at all surprised, Mr. Speaker, that even the fact that you would consider . . .

I can't for the life of me believe, Mr. Speaker, that the Conservatives could or should ever support the aims and ambitions of the Unionest Party of Saskatchewan, ever. As a matter of fact they should totally deny them without question and so should the NDP, given their set of beliefs. I suggest to you that there might even be some members in both caucuses who at some point in time may have had thoughts that perhaps the present union wasn't working very well, and may have had thoughts that perhaps the end is near and that it's not going to work no matter what we do, and that we might as well stop batting our heads against the wall and try to make some other change.

They may have had those thoughts, but given the stated policies of the NDP and the Progressive Conservatives, I must say, Mr. Speaker, that they would have to stand against it. But to stand against it how? To deny the members who espouse that cause their rights as members of the legislature, when in fact four or five of their existing

members sat in this very Chamber and fought for five months that I know of with the present government to try to establish third party legislation? Can you imagine that? Can you imagine people sitting in here as a third party and working their very hearts to the bone to try to establish the principle by which every member of the legislature should have an equivalent ability to have research and secretarial help to provide his case to the people through this Chamber, and then suddenly, when they are no longer in third party status, they now want to support the government in getting rid of the third party status in this House? That, Mr. Speaker, is beyond my comprehension. How fortunate for them there is no press here, which means there won't be any play on that in the public mind. But, Mr. Speaker, I would guess for what it's worth that some intelligent members of the NDP might from time to time have the tendency to want to use my remarks out of Hansard, here and there and around as it might be spoken.

Now, Mr. Speaker, I want to return . . . (inaudible interjection) . . . Oh, they're never that hard up. I think they could probably use the words of the Conservatives themselves.

The responsibility of government employees (Professor Chafee goes on to say) for adverse criticism of their superiors is a difficult question which deserves more discussion than it has received. The advantages of thorough-going loyalty in a military or civilian subordinate officer are obvious and most people feel that if such a person is dissatisfied with the conduct of affairs he should resign before having his say. Still, not every officer can afford to throw up his job and the result of an enforced silence within the service may be that inefficiency or corruption on the part of men higher up will continue unchecked because honest persons who know the facts do not dare tell them to the public. And proposals by brilliant younger men for needed reforms may be unduly delayed if they can be considered only by conservative insiders. The fate of General De Gaulle's plan for mechanising the French army illustrates the danger.

Now, Mr. Speaker, I might just say here that although this is not directly analogous to Bill 105 because it doesn't mention legislators, it does show the problems that can be affected by attempting to attack opposition in your own ranks. If you attempt to use means such as retroactive legislation to attack, then, Mr. Speaker, you do so at your own peril. You do so by losing efficiency. You do so by losing the very essence of the legislative Chamber. You do so, especially in the case of attempting to coerce and blackmail members of the Legislative Assembly as this bill is attempting to do, to the peril of the belief by citizens of this province that the legislature is the final check on the ultimate autocracy of government and the ultimate authority of government. Members to my right that seems to be lost on, but nevertheless it's true. That is the one thing that people think is sacred and this bill will point out that it's not so sacred after all.

And certainly, Mr. Speaker, I realize that June is a most awful time for any legislator to present anything to the people. It's now June 3, and most people don't care what's going on in this House. As a matter of fact, most people today (including the Saskatchewan press corps as you can see) really don't care what's going on here at all. We might as well be here beating our gums. But that doesn't mean that those of us who intend to fight persecution and to fight for the rights of individuals are going to stop. I don't care if it's June, July or August or when it is, there are certain rights that are important to protect. I believe that it's important that these rights be protected, and that the rights of parliament be protected, and that the rights of individual members in parliament be protected. Retroactive legislation is not the way to protect your own rights, members of the Legislative Assembly.

Certainly if subordinate officers must address all their adverse criticisms to their superiors, great care should be taken to provide adequate machinery by which such criticism shall receive thoughtful attention, shall not be suppressed by the very superior against whom it is directed and shall not be a cause for dismissal of the critic or his loss of promotion.

Now, Mr. Speaker, how about taking that analogy and drawing it with the members of this Assembly? What the Conservatives and the NDP are saying is quite simply this: we have the correct views; your views are wrong. Our views are the only views that are correct enough for this Chamber. If you go beyond our correct enough views then, Mr. Speaker, you will be subject to sanction. You will be subject to retroactive legislation. You will be subject to going against every precedent and every tradition that ever existed in terms of the British parliamentary system. But that's what they believe, and other legislators and other legislatures have made that kind of mistake before. I suggest that because they have made that kind of mistake, the Saskatchewan legislature shouldn't make it again.

Space does not permit comment on other topics affecting liberty of discussion, such as the law of copyrights, deprivation of the constitutional rights to petition Congress through the state legislature, etc., etc. The actual conflicts are not as acute now as they were 20 years ago. Now keep in mind this was written in the 1940s. This was before the McCarthy era. Professor Chafee had not had an opportunity to examine the aftermath, if you will, and perhaps that just points out a very important principle that the members of this Assembly should be aware of. Perhaps the suppression of freedom occurs even in free countries every 20, 30 or 40 years. Perhaps everyone forgets how important those freedoms are. Perhaps everyone forgets how essential they are to the maintenance of a free society, and the only way they can be reminded of it is to have some kind of dramatic occurrence or event which points out the need for a continual and constant surveillance to maintain those individual liberties and individual freedoms for which our forefathers fought so dearly. I suggest to you, Mr. Speaker, that those freedoms are not protected only by the Legislative Assembly or by the Executive Council. They are protected by the rights and thinking of free men everywhere; men who are prepared, and women who are prepared, to stand up for what they believe in; who are prepared to recognize that the issues of freedom of speech and freedom of association are far, far more important than any party loyalties.

Anyone who is not prepared to do that must be prepared to accept the eventual outcome of that kind of thought; they will find themselves, at some point in their lifetime or in the lifetime of their children, in a situation in which they are the minority.

Now is that what members of this Assembly want? To find themselves in the position of a minority, with an autocratic majority telling them what to do? I suggest to you that no member wants that. But I further suggest to you, Mr. Speaker, that every member is going to get that, who supports this bill. And we noticed this morning a great many supporting this bill, and supporting the concept and the principle of this bill.

Make no mistake, Mr. Speaker, that little vote this morning was just a preview of things to come. That little vote this morning on whether to adjourn the debate, when there are many, many bills and committees and committee of finances to go through in this legislature, just indicates the members of this Assembly want to persist in this particular charade of trying to attack its own members.

Remember Professor Chafee said: 'It's not so acute now as it was 20 years ago'. I say to you, it's just as acute in Saskatchewan today as it was in the United States in the 1920s; as it was in the McCarthy era in the United States; as it now in the Government of Canada.

Imagine, Mr. Speaker – and I say to you imagine – the chagrin of any Canadian who believes in freedom, when Mr. Trudeau was re-elected prime minister of the country and the MacDonald Commission was still under his direct control. Imagine the chagrin of every freedom-loving Canadian . . . The member for Regina South wants to correct my French – I was attempting to say the word in English and I will again, Mr. Speaker, chagrin. Chagrin (French pronunciation) perhaps would be more correct, and for the benefit of Hansard reporters, typists who have been for some time coming to my office to ask me how to spell these various words, it's spelled the same in English as in French.

Mr. Speaker, the point is that when these members believe they can get away with this kind of superficial legislation, they are only fooling themselves, because they are not standing up for their rights or for the rights of their children or of their forefathers. Why did anybody become involved in politics? Why did the Attorney General become involved in politics to start with? Was it to be a socialist? Was it to take over all power? When the Attorney General swears an oath as a lawyer, when he swears an oath as the Attorney General of this province, he is supposed to be dedicated to the principle that this should be a free country and that he will preserve the institutions of this free country.

I ask, Mr. Speaker, how can he possibly sit in his chair and from time to time rise up and vote just for party solidarity? How can he possibly vote against a bill which so onerously attacks the rights of members of this Assembly? How could he possibly do so? It is beyond my comprehension.

I mentioned before, Mr. Speaker, how could the member for Melville possibly do it – a member of a formerly suppressed minority? How could the member for Cumberland, who is a member of a race whose views are suppressed in this very province today, how could he possibly support an attack on minority groups in the province? How could he do it? How could he retain his conscience and have that support? Yet this morning, Mr. Speaker, we watched him rise in his place and prevent adjourned debate on this bill, which would have allowed us to get on with the business of the people of Saskatchewan. How can they do it, Mr. Speaker? How can anyone believe in the rights of minorities within a democracy and still rise on this bill and still go on record for his own people? Is it the law of minor concession, Mr. Speaker? Is that it? Do the members believe this is a very minor point? It is really not as important as some of us try to make it; therefore they can go ahead and vote with their party because party solidarity is far more important than the reasons for which I originally entered politics. I don't know, Mr. Speaker. Perhaps that's why.

I can tell you the reasons why I entered politics. It was primarily to stand up for the rights of the individual in society. I did so through a vehicle for many years which was looked down on by people. It was felt it didn't have a shot, it didn't have a hope. I worked hard enough to bring them to a point where perhaps people believed they did have a hope . . . (inaudible interjection) . . . Well, they can do what they want. That's their privilege, Mr. Speaker. You can lead a horse to water but you can't make him drink. But perhaps the Attorney General, instead of speaking from his chair, would start to realize that what I am saying is that he himself rose on that issue this morning – even though he may believe that this is not a very wise bill, even though he may believe it's an attack on

personal freedoms, even though he is a member of a formerly attacked minority in the province of Saskatchewan – and he is going to throw away the work his ancestors, his parents and his grandparents did in this province to increase the awareness of the rights of a multicultural society. Even he is prepared to sit in his chair or to rise on a vote when this issue is called and automatically provide his support to a bill which will repress members.

I don't say, Mr. Speaker, that anyone in Saskatchewan is going to care. I don't think it is politically very wrong for the Attorney General to do what he did or for members to my right to do what they did. Politically it is probably correct. I tell you one thing, they have themselves to live with the rest of their lives. I always figure it this way, for what it is worth: the only person I have to live with is myself. The only person I have to watch every morning in the mirror is me. I don't have to live with my wife. I don't have to live with my kids. I certainly don't have to live with the Conservatives. I don't have to live with anyone except myself. Therefore, I had better do in my life what I believe to be the right course of action. Each member has to establish that for himself. I suppose some members have decided that they wouldn't do that and that they would vote in terms of group expression. They don't believe as strongly in the rights of minorities as they attempt to pretend. You see, Mr. Speaker, the only time they believe in the rights of minorities is when they are the minority. Don't you think so? It's wonderful that the Progressive Conservatives, these few who are in the House, would rise on that bill today (those who were in the House back in '75 when the whole issue of third party status came up). Those few who were there, I am sure, are feeling extremely proud of themselves, now that they support a bill here in this Saskatchewan legislature which attacks the very principle of third party status. It attacks the very principle of it . . . (inaudible interjection) . . .

Well, the Attorney General says they are afraid of me. I suggest that so too is the NDP, or his leader, Mr. Premier of Saskatchewan, would not have said identically the same words (mind you I must say Allan Blakeney said them before Mr. Grant Devine said them). One said them just after the party was formed; another waited until he got to Ottawa when he could find two or three members of the press who would listen to him. He said the same words exactly, precisely. They are afraid. Why, Mr. Speaker? What have you got to be afraid of? I don't know. Everyone says there is so little support for the Unionest Party out there that there should be nothing to fear. Everyone says no one in Saskatchewan supports the idea or the concept of a union with the United States. No one! Well that's interesting, Mr. Speaker; that's really interesting. Yet they're so afraid they have to attack the Unionest Party in this legislature by somehow trying to come up with the suggestion that in order to receive research money and secretarial help, MLAs have to run under a certain ticket in the previous election.

Of course, keep in mind it made no difference when the member for Thunder Creek crossed over and equalized the ranks of the Conservatives and the Liberals in the House. They then changed the amount of payments made to each party to make them even for everyone, but that makes no difference now. That argument is too ethereal; people would never understand that. They would never understand the fact the legislature took no action at that time to prevent the Conservatives from being equal opposition in the House to the Liberals. They took no action at all. Why, Mr. Speaker? Because it didn't make any sense. That member had the right to go from the Liberal Party to the Conservative Party just as much as we have the right to go from the Conservative Party to the Unionest Party. But that makes no sense to them now. It's not reasonable to them. Why? Because the people wouldn't understand it anyway.

If the people don't understand that, if you can't make it simple and if you can't use the kiss principle in politics, then you shouldn't try to make the argument. You shouldn't try to make the argument at all.

Nor should we be content with adjusting the negative forces which restrain liberty, Professor Chafee says. We should also consider the development of positive forces which will encourage it, and remove the sluggishness of thought into which we all easily lapse, even without any prohibitions upon opinion. We cannot afford to neglect methods for obtaining a livelier, oral discussion and places available for it, and for encouraging fuller presentation of all sides of international and industrial controversies in the press, on the screen and over the radio.

The experiences of suppression since 1917 have been destructive of any passive confidence that liberty will go on of its own accord. Its price still remains eternal vigilance. Freedom requires much tiresome labor over the technicalities with which I have dealt for it cannot be maintained by eloquent expositions alone. Yet in the end such expositions furnish the main strength of liberty. A people gets sooner or later, as much freedom as it wants. This want is not created by us lawyers but by the prophets who influence the minds of legislators and administrators, and the minds of the public to whom members of the government react with extreme sensitiveness.

The best safeguard against repetition of the errors of 1917 lies in the ferment in the thoughts of the young, and of those who do not let themselves grow old. The persecutions have not been wholly without gain. They have made us look to the neglected defences of liberty.

I would say those comments by a Langdell Professor of Law at Harvard University, Mr. Zechariah Chafee, Jr., sum up what we feel about Bill No. 105 – that it is an attack on freedom, but perhaps these attacks on freedom are needed from time to time to remind people of the views of those of us who believe in a free society, and in the rights of free speech.

Now, Mr. Speaker, I promised the members a new dissertation on the rights that are countermanded in this bill. Mr. Speaker, I would like to remind you and the members of this Assembly of the amendment that I intend to make at the conclusion of my remarks. I presume Mr. Speaker will immediately say it is out of order, if it is. In other words, if the amendment is out of order then my remarks about the amendment must also be out of order and then of course, I can't speak to the amendment I intend to make. However, if Mr. Speaker does not rule the amendment out of order, I will presume that I may speak to the motion that I intend to move at the conclusion of my remarks – that all the words after 'that' be deleted, and the following substituted therefor:

This House declines to give second reading to Bill No. 105 – An Act to amend The Legislative Assembly and Executive Council Act, because:

- 1. The principle of the bill is contrary to the rules and principles of this legislature in that it removes the rights of a legitimate and legal political party as defined by the laws of the province of Saskatchewan;
- 2. The principle of the bill is contrary to fundamental human rights;

- 3. The principle of the bill is contrary to the Canadian Bill of Rights by which free speech and free political association are guaranteed;
- 4. The principle of the bill is contrary to the Saskatchewan Bill of Rights by which free speech and free political association are guaranteed;
- 5. The principle of the bill is contrary to the United Nations charter by which freedom of association and freedom of speech are guaranteed;
- 6. The principle of the bill is contrary to the principles of equity, since although not directly mentioned, its provisions are designed to remove the rights of the Unionest Party in this legislature, even though the Unionest Party has complied with all of the laws of the province of Saskatchewan pertaining to political parties.

I wonder if they put that in – sudden laughter from the receipt of a note. All I can say to the members of this Assembly is this: I must finish reading this important amendment which I intend to pass in future in order to accomplish any aim that others may have in this Assembly.

- 7. The principle of the bill is contrary to accepted principles of natural justice by which citizens can expect to rely on laws passed by this legislature and not have them reversed retroactively;
- 8. The principle of the bill is contrary to one of the fundamental principles of democracy by which laws are made prospectively and not after events have occurred;
- 9. The principle of the bill is contrary to the most basic tenet of all social democratic societies, and that is that the tyranny of the majority may never be used to thwart the right of minorities;
- 10. The principle of the bill is contrary to the traditions and precedents of all parliaments, including the mother of parliament in Britain and is contrary to the traditions and legislatures in other free societies;
- 11. The principle of the bill is contrary to the rights of individual members of the Legislative Assembly to associate freely and could be used as a precedent to remove the rights of all opposition to governmental actions.

I presume Mr. Speaker would rule me out of order on the reading of that amendment if it were out of order. Therefore, since I'm not being ruled out of order, I presume the amendment will be in order and as a result that it is the amendment to which I am speaking in my remarks.

Now, Mr. Speaker, I would like to issue today a challenge to the Premier of the province of Saskatchewan and to the Leader of the Progressive Conservative Party in Saskatchewan. I would like to issue this challenge today and suggest to them that they can take me up on this challenge, since it is the only possible way to resolve this issue. My challenge to the Premier and to the Leader of the Conservative Party is this: let's not debate in this legislature because this Chamber doesn't allow the Leader of the Progressive Conservative Party to debate in this legislature. Let's debate on television. I

challenge the Premier of Saskatchewan and the Leader of the Conservative Party to debate me on this bill anywhere, any time, on television, on the radio, anywhere, in order that, Mr. Speaker, the principles – the true principles – can be brought forward to the people; in order that the Leader of the Conservative Party can stand and justify to his followers why he is supporting this bill; in order that the Premier of Saskatchewan may justify to his followers why he is allowing this bill to come forward. I will attempt to prove to the people what it's doing to the individual members of this legislature.

Now, Mr. Speaker, that's pretty reasonable. That's a pretty reasonable request. That's a pretty reasonable challenge – to challenge the leaders of the parties involved to a debate. Now I would certainly love to debate the Leader of the NDP in this House – the Premier. But the problem is there is another party involved here and that's the Progressive Conservative Party. Their leader, unfortunately, is not in this House. How in the world, Mr. Speaker, can the people of the province of Saskatchewan get to know why the Conservatives are taking the stand in this legislature that they are taking when the leader who takes the stand is outside the House and can't debate the issue?

SOME HON. MEMBERS: — Hear, hear!

MR. COLLVER: — The NDP I notice are in favour of that, so I presume that the Premier would have no objection because certainly his caucus wants it to happen, a debate of the principles of Bill No. 105 outside this legislature. Because you see, Mr. Speaker, bringing the three participants together might convince the people of the province of Saskatchewan that this bill is in fact onerous.

On the other hand, Mr. Speaker, the challenge . . . (inaudible interjections) . . . The member for Regina South says he will answer for the new Leader of the Conservative Party. I think the member for Regina South had his chance, received just slightly less than 70 votes, and therefore doesn't speak for too many in the Progressive Conservative Party. I don't honestly believe that the member for Regina South could possibly speak for anyone. But the new leader purports to speak for them.

Now, that challenge is effective immediately. I say if the Leader of the Conservatives and the Leader of the NDP refuse the challenge then they're afraid of what will come out to the people. If they accept the challenge, I will meet them anyplace in order to . . . (inaudible interjections) . . . You get the member for . . . Oh, I'm sorry; he's not elected yet. I'm sorry. You get the Leader of the Conservative Party elected to this legislature and I'd be happy to debate it right here. Or you agree to postpone enactment of Bill No. 105 until the Leader of the Conservatives is in here and this is where I'll debate him. That's fair game! That's fair enough. Don't attack members of the legislature until an appropriate debate can occur.

We have 15 Conservatives here who are taking a stand on Bill No. 105. We have two Unionests taking a stand on Bill No. 105, and we have 43 NDPers taking a stand.

Well let the leader of each group get in front of the people and debate this bill. Or are you afraid? Are you afraid to bring forward the necessary so-called arguments that you've made so far on Bill No. 105? Are you afraid to do that?

HON. R.J. ROMANOW (Attorney General): — Mr. Deputy Speaker, in light of Leader of the Unionest Party's generous offer for a debate with the Leader of the New Democratic Party and the Leader of the Progressive Conservative Party, may I ask the hon. member the following question. Would he be prepared to have the ultimate debate, namely, by

resigning his seat in the Nipawin constituency and urging Mr. Grant Devine to run against the Leader of the Unionest Party in Nipawin, again with an NDP candidate, to see if in fact the ultimate debate can take place in that regard? We'd like to see what Mr. Devine looks like.

MR. COLLVER: — Yes, Mr. Deputy Speaker, I accept that challenge on one condition: that Mr. Blakeney resign Regina Elphinstone and also run in Nipawin under the NDP banner so that it is in fact a debate between the leaders of parties in the province of Saskatchewan. So when Mr. Blakeney resigns Regina Elphinstone to run in Nipawin, I will resign and run in Nipawin, challenge Mr. Grant Devine to run in Nipawin, and then you have the kind of debate on Bill No. 105 which is in existence. You only want it part way. You want to sit back and say, we can shove the two leaders in there, then sit back and let our man walk around scot-free, as we've been doing for the eight years we've been in power. I say, no way. You want to muddy up . . . (inaudible interjection) . . . Oh, nine years. You want to muddy up and dirty up every member of this legislature except Allan Blakeney who by the way, Mr. Deputy Speaker, I recall seeing (and it was the ultimate solution to Mr. Blakeney's problems), when those Marxists-Leninists came in here, sitting at the back of this hall and the second they dropped their flags, out the door he went because we wouldn't want to have him muddied up. We wouldn't want to have him dirty. Out the door he went, and let the rest of us sit here to be pelted with crap. That's what the NDP believe in: belt everybody with junk but not the beautiful Premier.

Well, Mr. Attorney General, I accept your challenge; now you accept mine. Either we debate by running Blakeney, Devine and Collver in Nipawin or your man, the Conservative man, and I debate Bill No. 105 on television, on the radio or some place public where the people can see the debate. That's a reasonable request. I've accepted your challenge; you accept mine.

You see, Mr. Deputy Speaker, I don't hear any great desk thumping for that suggestion. I believe that perhaps Mr. Attorney General at this point in time has been hoisted on his own petard which the former Conservative leader and now Unionest Party leader has experienced from time to time. I can certainly recall times when I was hoisted on my own petard. Today, it was your turn, Mr. Attorney General, and I certainly appreciate it immensely.

Now, Mr. Deputy Speaker, I want to read or present to you a new dissertation which I'm sure (I know we were all getting tired of Professor Chafee's remarks), Mr. Deputy Speaker, is an even better one than the one before. This book is by a Leonard W. Levy for the information of the member for Rosthern, who might be perhaps more interested in standing up for suppressed minorities than he was this morning in standing up for party solidarity. It's by Professor Leonard W. Levy and it's called Legacy of Suppression: Freedom of Speech and Press in Early American History.

Now you will recall, Mr. Deputy Speaker that in the amendment which I'm going to make to the bill, which Mr. Speaker did not rule out of order, I said the principle of the bill is contrary to all of these various bills of rights in which freedom of speech is guaranteed. So certainly the members will be entitled to hear, and will want to hear of attempts to suppress freedom of speech in other countries and in other areas . . . (inaudible interjection) . . . I hope the Attorney General is mentioned in that headline, and I hope his suggestion is prominently displayed because I believe that would be indeed an interesting battle. Allan Blakeney, Dick Collver, and Grant Devine fighting in the constituency of Nipawin. That would be outstanding, don't you think? And although I've said I wasn't going to run again, Mr. Deputy Speaker, if that event occurs I remove all my

previous statements about not running again and I accept the Attorney General's promise. As a matter of fact, Mr. Speaker, I will hand my resignation in to Mr. Speaker at the very precise instant Allan Blakeney hands his in for Regina Elphinstone. At the very precise instant he hands it in for Regina Elphinstone, I'm going to hand mine in. Guaranteed . . . (inaudible interjection) . . . Oh, he doesn't have to resign from anything. He's already sitting there, don't you see? It is impossible, you will recall, Mr. Deputy Speaker, for anyone to participate in this debate from up there or around here. That's impossible . . . (inaudible interjection) . . . Well, I think the Attorney General's suggestion is the best. Allan Blakeney resigns for Regina Elphinstone; I resign for Nipawin; all three of us go at it right there in Nipawin on the basis of Bill 105. That would be certainly an interesting suggestion and I look forward to Mr. Blakeney's response to that challenge. I look forward to it with enthusiasm; or conversely Mr. Attorney General, I look forward with equal enthusiasm, since I've accepted your challenge to his acceptance of my challenge.

Now, Mr. Speaker, I have to go through the preface of this book because it presents a revisionist interpretation of the origins and original understanding of the first amendments clause on freedom of speech and the press. I want the members of the press corps to be particularly interested in the way most American writers link freedom of speech and freedom of the press. In fact, they are almost synonymous. Although in this legislature we are supposedly free to speak our minds and to think for ourselves and to associate with whomever we like, in most dissertations on freedom of speech it is linked directly with freedom of the press. And I say to the members of the press that if this government persists in attempting to ram Bill 105 through the legislature, they are not only attacking our right to freedom of speech and our right of association, but they are also attacking the press and their right of freedom of speech and their right of association. Because if they can use government power to blackmail members of the legislature, think of how they can use the government majority in power to blackmail members of the press corps.

I have been reluctantly forced to conclude . . .

MR. DEPUTY SPEAKER: — Order! Order! I'd ask all hon. members, if you want to hold conversations to hold them behind the bar. The hon. member for Nipawin has the floor. The member for Nipawin.

MR. COLLVER: — Thank you so much, Mr. Deputy Speaker. I hope you will enforce that ruling. I can certainly stand here, Mr. Deputy Speaker, as long as the members want to continue their independent conversations in this House. I can certainly wait. The Sucrets are running out and I can wait as long as they want to do it. You've ordered them to stop. I think they are attacking the Chair, Mr. Deputy Speaker, because you've already ordered them to stop doing it but . . .

MR. DEPUTY SPEAKER: — Order. I'll just inform the hon. member for Nipawin that I can hear him fine now, and if he would like to continue his remarks I'd invite him to continue.

MR. COLLVER: — I am certainly pleased that the Deputy Speaker can hear the remarks because they will, I'm sure, be of deep and abiding concern to the constituents of Regina Rosemont.

AN HON. MEMBER: — Give Colin the lecture about the Conservative tradition. Colin

should know that.

MR. COLLVER: — I think, Mr. Deputy Speaker, the member for Thunder Creek could very easily read my remarks on Conservative tradition right here in Hansard tomorrow. It will be ready. I would be happy to review for the members tomorrow and I will find the four principles of the Conservative Party which I believe are in every document which they produce. I know at least they were when I was Leader of the Conservative Party, but perhaps those have been removed. Perhaps they have been removed and it is no longer . . .

AN HON. MEMBER: — Too bad you didn't follow it.

MR. COLLVER: — For what it is worth, Mr. Member for Regina South, reach into your pocket and get your membership card; it should be on the back of it.

MR. ROUSSEAU: — Oh, I know what it is, but I said, too bad you didn't follow it.

MR. COLLVER: — . . . (inaudible interjection) . . . Mr. Deputy Speaker, it is really difficult. There are at least 10 conversations going on in this Chamber. It is really difficult to overcome . . .

MR. DEPUTY SPEAKER: — Order. I must agree with the hon. member for Nipawin that it is distracting to listen to 30 or 40 conversations all taking place at once when the one conversation we should be listening to is the one of the hon. member for Nipawin who happens to have the floor at the moment.

AN HON. MEMBER: — What rule says we have to listen to him?

MR. DEPUTY SPEAKER: — All the rules say you have to listen to the person who is on his feet. The hon. member for Nipawin.

MR. COLLVER: — Thank you so much, Mr. Deputy Speaker, I do appreciate your kindness.

I have been reluctantly forced to conclude that the generation which adopted the constitution of the Bill of Rights did not believe in the broad scope for freedom of expression, particularly in the realm of politics. I find that libertarian theory, from the time of Milton to the ratification of the first amendment, substantially accepted the right of the state to suppress seditious libel. I find also that the American experience with freedom of political expression was as slight as the theoretical inheritance was narrow. Indeed, the American legislators, especially during the colonial period, were far more oppressive than the supposedly tyrannous common law courts. The evidence drawn particularly from the period 1776 to 1791 indicates that the generation that framed the first state Declaration of Rights and the first amendment was hardly as libertarian as we have traditionally assumed. They did not intend to give free reign to criticism of the government that might be deemed seditious libel although the concept of seditious libel was, and still is, the principal basis of muzzling political dissent. There is even reason to believe that the Bill of Rights was more of a chance product of political expediencies on all sides than of principled commitment to personal liberties. A broad libertarian theory of freedom of speech and press did not emerge in the United Stated until the Jeffersonians, when a minority party

were forced to defend themselves against the Federalist Sedition Act of 1798. In power, however, the Jeffersonians were not much more tolerant of their political critics than the federalists had been.

This has been a difficult book to write because the facts have dictated conclusions that violate my predilections and clash with the accepted version of history. But just as my personal preference as to current policy do not depend on what passed for wisdom in the eighteenth century, my views as a scholar do not depend on my civic convictions nor on historical convention. I have tried to heed Maitland's advice by putting myself back into the twilight where the past must be taken on its own terms. Lord Chief Justice Reeves, in the preface to his History of English Law to the Time of Elizabeth (1783) regretted that modern writers, in discoursing of the ancient law, were too apt to speak in modern terms and generally with a reference to some modern usage. Reeves attempted to forget the changes wrought by time, so that the laws of the time would then be learned in the language of the time, and exhibited in the true colors in which they appeared to persons who lived in those respected periods. In this spirit I've sought merely to show (as Rank put it) how things actually were.

The difficulty is that much of history lies in the interstices (there's a word I've never seen before) of the evidence and cannot always be mustered and measured. Moreover, legal history is, in large part, the history of ideas and ideas emerge, grow and become part of men's mental baggage in mysterious ways, colored by the environment and conditioned by the climate of opinion.

The historian, lacking a spectrograph to discern color and a thermometer to measure climate, sticks rigorously to the tangible evidence, at the risk of losing the spirit of the time he seeks to reconstruct.

What was left unsaid or undone, may have been as important as what was said and done, yet is unrevealed in the documentary remains of the past. Certain ideas, I'm sure, must have been in the air at the time, but the fact is no longer susceptible to proof.

I notice Mr. Speaker has returned. Mr. Deputy Speaker was in the Chair when I first introduced this topic. Mr. Speaker, I do wish to enlighten you as to how I believe this dissertation is right on topic. It is entitled A Legacy of Suppression, written by Mr. Leonard W. Levy. It is a legacy of suppression of freedom of speech in the press in early American history. Mr. Speaker will recall that I believe, and the amendment says so, that this bill is completely against the freedom of speech in terms of this Legislative Assembly. I therefore intend to bring to the members' attention this very on-point and succinct book on freedom of speech. I'm sure the members could not all get it before they have to vote on this bill.

Mr. Speaker, if it went from the Legislative Library out to each individual member to read, it would take an awfully long time. Therefore it's much better if one member brings it to their attention, so they have all of the information and facts before having to make that important and momentous decision as to whether or not they'll vote on Bill No. 105.

I am keenly aware of the limitations of my sceptical approach toward my materials. Believe nothing unless proved beyond reasonable doubt by the

evidence. Take, for example, the two major libertarian propositions of the later eighteenth century, that truth is a defence against a charge of criminal libel, and that the jury should have the power of deciding the questions that judges reserve to themselves. Whether the defendant's intent was malicious and whether his words had the seditious tendency alleged, that these libertarian propositions were in the air, is beyond doubt. Most of the scraps of evidence that can be gathered on this subject tend to show that it was not the intention in America to modify the common law, by incorporating these propositions within the meaning of free press guarantees.

Yet I am certain that if the American people at any time between the Zenger case and the ratification of the First Amendment, would have held a referendum, they would have overwhelmingly cast their ballots in favour of the two propositions. Working with the evidence, however, leads to the conclusion that this certainty on my part is utterly unprovable. According to the evidence, the issue was, at best, unsettled.

On the other hand I do believe that the preponderance of the evidence reliably settles a major issue that may be stated in the form of different but related questions. Was it the intention of the generation from the revolution to the First Amendment, to supersede the common law by repudiating the Blackstonian concept that freedom of the press meant freedom from prior restraint, by rejecting the idea that government may be criminally assaulted, that is seditiously libelled, merely by the expression of critical opinions that tended to lower it in the public's esteem, by abandoning alleged distinctions between liberty and licence, by abolishing the power of government to punish words that do not directly incite to acts in violation of the law?

These questions define the issue confronted in this book. I am not contending that the Framers of the First Amendment did not have a high regard for open discussion of public matters. Indeed, neither in America nor in England did the common law actually prevent widespread discussion of affairs of state by the common people. Nor am I arguing that there was no intention to modify the common law in any respect.

As I have indicated, it may well have been the intention, though unproved, to permit defendants to plead truth as a defence, and to let juries decide the whole of the issue in trials for seditious libel. Whether that was the intention is not, however, the main issue. Murder remains a crime even if a defendant may plead self-defence, and a jury may rightfully consider his plea.

My concern, in brief, is whether it was the intention, as Zechariah Chafee Jr. has affirmed, to 'wipe out the common law of sedition and make further prosecutions for criticism of the government, without any incitement to law breaking, forever impossible in the United States of America.'

This accepted understanding of the Framer's intentions has become what Locke called a 'received hypothesis,' held as a result of learned and traditional convictions. Such convictions are not easy to abandon as Locke testified.

'Would it not be an insufferable thing for a learned professor, and that which scarlet would blush at, to have his authority of 40-years standing, wrought

out of hard-rock Greek and Latin, with no small expenses of diamond candle, and confirmed by general tradition and Reverend Beard, in an instant overturned by an upstart novelist. Can anyone expect that he should be made to confess that what he has taught his scholars 30 years ago was all error and mistake, and that he sold them hard words in ignorance at a very dear rate.'

Locke's words have steeled me against the possibility of being condemned as an apostate from libertarianism. Well, what is even worse is being hailed as a convert to the new conservatism that has recently been fashionable among many historians. I do not write history from the standpoint of any ideological Tory, nor is it my intention to play the debunker who relishes smashing popular idols and myths.

I would be delighted if this book were proved to be wrong. Right or wrong, however, its revelations do not dim my faith in the essential spirit of Milton, Locke, Jefferson or for that matter, Zechariah Chafee Jr., and other heroes of civil libertarianism who are sometimes criticized in the following pages.

That they may have been occasionally wrong, or perhaps inconsistent, proves only that they were human, subject to error and even blinded now and again by prejudice, like the rest of us. But the thrust of their thinking is a respect for the nobility of the principles to which they were dedicated, which always stand for an ever-broadening recognition of individual liberty. So too, the fact that the first amendment was not originally intended to mean what it has become to mean does not derogate from the statesmanship of its Framers, who formulated its language, words of such breadth, however ambiguous, that we have been able to breathe the liberality of meaning into it, in keeping with the ideals of our expanding democracy.

And this man was the dean of the graduate school at Brandeis University in the United States. I will not, Mr. Speaker, read the acknowledgments in this book, although he does mention Justice Felix Frankfurter who as many will know was one of the greatest justices of the Supreme Court of the United States. He does mention certain foundations in connection with Brandeis University.

Now he opens, Mr. Speaker, with the following:

Seditious Libel versus Freedom of Expression.

That proposition has been conventionally accepted in both law and history that the Framers of the First Amendment had a very broad understanding of freedom of speech and press, and intended to abolish the common law of seditious libel. James Madison, himself, the 'father' of the Constitution and the Bill of Rights, explicitly argued that proposition and it has been reiterated in our times by our own judges as well as by distinguished constitutional historians and lawyers.

Justice Holmes, for example, with Justice Brandeis concurring, declared, 'I wholly disagree with the argument . . . that The First Amendment that the common law adds to seditious libel in force. History seems to me against the notion.' More recently Justices Black and Douglas stated, 'But the First

Amendment repudiated seditious libel for this country.' Professor Henry Schofield, in his original and influential essay on Freedom of the Press in the United States, noted that under the English common law, many political publications in the colony before the American Revolution were considered seditious and even treason. 'One of the objects of the revolution,' Schofield concluded in a statement quoted with approval by the Supreme Court, 'was to get rid of the English common law on liberty of speech and of the press.' Professor Zechariah Chafee Jr., author of the standard work on this subject, alleged The First Amendment was written by men to whom Wilkes and Junius were household words, who intended to wipe out the common law of sedition and make further prosecution for criticism of the government without any incitement to law-breaking forever impossible in the United States of America.' Numerous others have supported the same proposition. They have, however, and this is now Mrs. Malaprop's phrase, 'anticipated the past' by succumbing to an impulse to recreate it so that its image may be seen in a manner consistent with our rhetorical tradition of freedom, thereby yielding a message which will instruct the present. The evidence suggests that the proposition is more presuppositious than plausible, or, if plausible, unprovable.

We may even have to confront the possibility that the intentions of Framers were not the most libertarian and their insights on the subject of freedom of expression not the most edifying. But this should be expected since the Framers were nurtured on the crabbed historicism of Coke and the narrow conservatism of Blackstone. The ways of thought of a lifetime are not easily broken. The Declaration of Independence severed the political connection with England, but the American states continued the English common-law system.

If the Revolution produced any radical libertarians on the meaning of freedom of speech and press, they were not present at the Constitutional Convention of the First Congress which drafted the Bill of Rights. But to understand that scholars and judges have betrayed a penchant for what Professor John P. Roche calls 'Retrospective Symmetry', by giving to present convictions a patriotic lineage and tradition – in this case the fatherhood of the 'Framers' – is no reason to be distressed. We may miss the comforting assurance of having the past's original intentions coincide with present preferences. Yet the case for civil liberty is so powerfully grounded in political philosophy's wisest principles, as well as the wisest policies drawn from experience, that it need not be anchored in the past.

No citizen and certainly no jurist worthy of his position, would or should conclude his judgment on either a constitutional question or a matter of public policy by an antiquarian examination of the original meaning of the clause. What passed for wisdom in the era of the Framers may very well have passed out of date with the growth of libertarianism in America. But antiquarianism, although the vice of the jurist is its own reward to the historian who, without the need of finding a tradition that is liberal or otherwise, seeks to know the past. We know very little, though, about the original understanding of The First Amendment's provision that Congress shall make no law . . . abridging the freedom of speech of the press . . . ' The meaning of no other clause in the Bill of Rights at the time of its framing and ratification has been so obscure to us. Historians, whether libertarian or

not, have taken for granted that the Framers meant one thing or another, without inquiring into the evidence. One can do wonders with 'insights' and inferences, depending upon one's predilections but clear and preponderant proof has not been offered to elevate past generalizations beyond the level of a guess. The sources, particularly for the period 1787 to 1791 are, unfortunately, most silent on the matter under inquiry. The reason for the scantiness of the evidence goes far to explain why it is so difficult to ascertain the Framers understanding of freedom of speech. That freedom had almost no history as a concept of practice prior to the first amendment or even later. It developed as an offshoot of freedom of the press on the one hand, and on the other freedom of religion – the freedom to speak openly on religious matters. But as an independent concept referring to a citizen's personal right to speak his mind, freedom of speech was a very late development. Virtually a new concept without basis in everyday experience, a nearly . . .

MR. SPEAKER: — Order. I'm going to attempt to bring the member for Nipawin to order, and in doing so I want to read a citation from Beauchesne's which I think is relevant, as I find the member's remarks are not. The citation from Beauchesne is page No. 116 in the Fifth Edition, paragraph 328. It reads as follows:

A Member may read extracts from documents, books, or other printed publications as part of his speech provided in so doing he does not infringe on any point of order. A speech should not, however, consist only of a single long quotation or a series of quotations joined together with a few original sentences.

And I'm going to take this opportunity to advise the member for Nipawin that I find that this time he's out of order and attempt to get the member back to the principle of the bill before us.

MR. COLLVER: — Thank you very much, Mr. Speaker. Certainly I'm deeply sorry that you believe these works on freedom of speech are not on point on the bill; however, certainly we can and will present our speech accordingly. I'm not going to read a lengthy quotation from this, but would Mr. Speaker consider (I hope he will) and accept the fact that I believe freedom of speech is affected in this bill, and that although lengthy quotations are not . . . I would refer you to Beauchesne's, Mr. Speaker, to the very same clause you just read to me.

I am sure it is dependent upon what you believe is lengthy. What is a lengthy quotation? Is it one page? Is it five pages? Is it 100 pages? Is it in relation to the overall speech? In other words, if the overall speech is one hour should the quotation be 10 minutes of the hour? Could it be 15 minutes of the hour? Could it be half of the hour?

What is your definition, Mr. Speaker? I would appreciate if you would guide me on this because I have a great deal of material to present to this Legislative Assembly and I want to be sure I don't encounter Mr. Speaker's rulings. I don't want to be in any way disrespectful of the Chair. I only want, Mr. Speaker, to find out from you some guidelines on what you mean by lengthy.

What is a lengthy quotation joined together by a few original thoughts? Would that be 50-50? Would it be 60-40? Would it be 20-80? What is the percentage? I need some guidelines in presenting this material to this Assembly. I would appreciate it, Mr.

Speaker, if you could inform me what you believe to be a definition of lengthy quotations, because some of these quotations, as you will recall – the example of the quotation from the book by Mr. Chafee, who is recognized as the leading expert in the United States. Mr. Speaker will know that that book is 608 pages long, and I quoted in total from 41 of them. So that's what I'd like.

MR. SPEAKER: — I don't want to have the member waste any more of his valuable time pondering my decision. My decision was quite clear and I'm not going to repeat it. It's in the book. I'm merely following the rules. For guidance, the member can use the fact that I'll be on my feet if he's out of order. That will be his guidance.

MR. COLLVER: — Thank you, Mr. Speaker. I will certainly try to stay in order as much as is humanly possible. I appreciate that guidance and I look forward to the next time you get on your feet. I hope to keep you in your seat as long as is humanly possible.

Now, Mr. Speaker, there is a dissertation on British justice. Mr. Speaker will recall that I have been quoting primarily from American sources, and I'm sorry to do that but you will be aware that the freedom of speech and the liberty of individuals is involved very directly in this bill. And it is involved in the amendment that I intend to make to the bill. So you will know that freedom of speech is directly involved.

Now I ask you, Mr. Speaker, to bear with me from time to time in quotations from these eminent scholars who have talked about the freedom of speech and freedom of association and freedom of expression. Mr. Speaker will know that a great deal has been written on freedom of speech. Great thoughts have been expressed by a great many writers, both in the United States of America, in Great Britain, and in Canada. I sincerely hope, Mr. Speaker, that in my attempts to convince the members opposite and the members to my right that voting in favour of this bill (as they have suggested they are going to do) is a very bad mistake, that I may make quotations in a reasonable fashion from the very great many people who have written almost totally about the freedom of speech.

Here's a book, for example, Mr. Speaker, written by Mr. Hayek. I need my new glasses. It's called The Constitution of Liberty. Mr. Speaker, I must tell you that this book is all about what this bill is about. This is an entire work by this author of what freedom of speech is all about. This is a book of 540 pages. I had intended, Mr. Speaker, merely to quote from about 20 of those pages. But the entire book is about freedom of speech. It is the ideas of Mr. Hayek, who is an eminent scholar. I would like to pass along to you that Mr. Hayek has written a great many texts, including Monetary Theory in the Trade Cycle; Prices and Production; Monetary Nationalism and International Stability; Profits, Interest and Investment; The Pure Theory of Capital; The Road to Serfdom; Individualism and Economic Order; John Stuart Mill. Surely Mr. Speaker will remember that John Stuart Mill, for example, wrote a great many publications on precisely what the meaning of freedom of speech is all about, what it means in terms of the public, what it means in terms of the legislature, and what it means in terms of society as a whole.

There has been so much material written that these individuals' thoughts and thought processes should be brought to bear on Bill No. 105. Now, Mr. Speaker, I didn't choose just from the run of the mill individuals. Mr. Speaker will know that when I asked the Legislative Library to provide for me information on freedom of speech and freedom of association and the rights protected by The Saskatchewan Bill of Rights Act and the Canadian Bill of Rights, the rights protected by the United Nations Charter – when I

asked for these works so that I could bring members' attention to bear on these important subjects and important works, they provided me with over 600 volumes, Mr. Speaker; 600 volumes out of this one small Legislative Library have been written on freedom of speech and association. Now, how can we possibly present a case that this bill is against freedom of speech if the very writings of these great magnificent thinkers over the last few centuries, on what freedom of speech and individual liberty mean, cannot be presented to the members?

So I do ask you, Mr. Speaker, to bear with me on some of these words because most of these writers are well-recognized experts in their field. They are expert in the preservation of the rights of individual citizens to think for themselves, to speak for themselves and to act in concert with their fellow man if they so desire for those rights to be protected under all of the laws of the land, including Saskatchewan's law, the Saskatchewan Bill of Rights, if the Assembly decides to adopt as law, Bill No. 105. I can assure you, Mr. Speaker, in addition to being fought through the courts in opposition as ultra vires because of the Canadian Bill of Rights, it will be fought, although with little hope of success, because the Saskatchewan Bill of Rights is quite meaningless, I believe. It will be fought through the courts on the basis that it is in opposition to the Saskatchewan Bill of Rights, because that document specifically guarantees freedom of association and the right of free speech.

Now, Mr. Speaker, as I say, for the benefit of the Attorney General, my legal counsels tell me that the Saskatchewan Bill of Rights is quite meaningless in attempting to bring Bill No. 105 before the courts. We are going to attempt to do so, however, if the legislature passes Bill No. 105, to prove it is a suppression of individual liberties and the rights of individual members to think the way we will. We will present the facts to the courts. We will present the actual dates on which matters occurred, then we will let the courts decide whether or not this bill is ultra vires because it runs contrary to the Canadian Bill of Rights. Since the Saskatchewan Bill of Rights and the Canadian Bill of Rights are almost identical in wordage with regard to the sections on freedom of speech and right of association, I think the entire Saskatchewan Bill of Rights would be called into question as a result of the passage of this bill.

Now I notice the Attorney General's eyes light up when I mentioned the testing of this matter in the courts. The Attorney General wasn't here last evening when I presented this. I did however, tell the members of this Assembly – I don't want to repeat it because the Attorney General didn't hear this . . . (inaudible interjection) . . . No, I don't think you told him. Actually, Mr. Speaker, it is the Attorney General who is responsible for prosecution of any matter through the government courts. I just want to tell the Attorney General that the same set of lawyers who beat you on oil, the same set of lawyers who beat you on potash are the lawyers who will beat you on Bill No. 105. I just pass that along to you, just so the Attorney General knows. I hope he is sharpening his pencil and prepared to go to the supreme court because I know he appreciates, always, appearing in the supreme court on behalf of the Government of Saskatchewan, even though no one ever bothered to choose him. They chose the eminent George Taylor, who by the way, I know if chosen . . . (inaudible interjection) . . . Oh, the Attorney General says he chooses George Taylor. Well, George Taylor has been beaten twice by this same group of people. Perhaps the Attorney General will pick another eminent attorney in our city. Perhaps he will pick Morris Shumiatcher, for example, to represent the Government of Saskatchewan in the prosecution of the case of Bill No. 105.

I can tell Mr. Attorney General that the same set of lawyers wiped the face of the earth

with Morris Shumiatcher in court as well. So pick who you like but I can assure you that this matter, if passed, will be tested in the courts of the land.

Now, Mr. Speaker, I do want to quote from this gentleman who writes a dissertation on the decline of law. Well, Mr. Speaker, I did want to quote from this, and I will. When Mr. Speaker thinks it's out of order, well, then let me know. But this is one of the eminent authorities on liberty and freedom in the United States of America. His chapter 1 is entitled Liberty and Liberties. Now what in the world could be more pointed toward my amendment and Bill No. 105 than liberty and liberties? He quotes from Abraham Lincoln.

Now we may not think as much of Abraham Lincoln in this part of the world as they do in the United States but there are a great many, even in this country, who believe that Abraham Lincoln was the kind of individual who stood up for the rights of minorities and who was prepared to put it all on the line in terms of the rights of minority citizens of that country. Admittedly, Mr. Speaker, the country has not been totally successful in carrying forward what Abraham Lincoln envisaged and that was the freeing of the slaves totally, but they certainly have taken giant strides forward. They haven't yet solved the problem but I say this, Mr. Speaker, that in the United States of America, they have solved the problems of blacks a lot better than we in Saskatchewan have solved the problems of our native citizens – a lot better!

All you have to do, Mr. Speaker, quite frankly is to take a drive any time you like up to Buffalo Narrows and other parts of northern Saskatchewan and find people trying to live on \$200 or \$300 a year. Drive up to the constituency of Nipawin. I hope the Premier of Saskatchewan decides to accept my challenge and comes there. Drive out to the Red Earth Reserve and see the kind of degradation that we have forced our native Indians to accept.

MR. SPEAKER: — I must say to the member for Nipawin that I've brought him to order many times now and I've tried to give him as much latitude as possible but what the member for Nipawin is talking about now has nothing to do with the principle of this bill. He's talking about driving around in Saskatchewan to visit Indian reserves. There's nothing about that in the bill. It has nothing to do with the direct principle of this bill. I ask the member for Nipawin to stick with the principle of the bill.

MR. COLLVER: — Mr. Speaker, I'm going to show you how native Indians in the province of Saskatchewan and their treatment has everything to do with this bill. Everything to do with it! Native Indians in the province of Saskatchewan are a minority. They have been a minority group in this province since 1905. They, at the moment, believe themselves, and everyone who has ever come in contact with them also believes, that they are culturally, socially and politically disfranchised. They do not believe that they have a say in the running of their own affairs and they are not participating in the full benefits of the province of Saskatchewan. Therefore, they are a minority group that has in the past been stepped on by legislation and by the majority and this bill is exactly that – the attempt by a majority to step on a minority.

Now, Mr. Speaker, if you are saying to me that I cannot bring into play the attacks by majority groups on minority groups in terms of a discussion of Bill No. 105, then I suggest, Mr. Speaker, that you are perhaps . . .

MR. SPEAKER: — Order! I suggest the member is debating my ruling. That is out of order. If the member continues to be out of order, I'll take whatever action is

appropriate. The member for Nipawin has to discuss the principle of this bill and what appears to be the main principle of the bill is the rules which govern the funds to the third party in this Chamber. Now, if the member for Nipawin does not stick to that principle or any other principles relating directly to that bill, I'm going to call him out of order. I tell the member that I hesitate to do it but if necessary, I will.

MR. COLLVER: — I rise on a point of order then, Mr. Speaker. I ask, Mr. Speaker, since you did not rule the proposed amendment out of order, how in the name of heaven can you possibly rule anything that I say pertaining to that proposed amendment out of order? I would like to know.

MR. SPEAKER: — I'll answer the member's point of order. I have not received the amendment yet. I'm dealing with what the member is saying in debate, and I'll deal with the amendment when I get to the amendment. Now, the member is not permitted in his debate to say, because I didn't rule on the amendment which he read out, that means his debate is in order. I would say to the member that is putting the horse before the cart. We are not here for that purpose. We are here for the purpose of debating this bill; any of the member's debate that is out of order will be called out of order. When I get the opportunity to deal with the amendment I'll deal with it. If it's in order, fine. If it isn't, it will not be accepted.

MR. COLLVER: — Mr. Speaker, the very reading (and I'm still speaking to a point of order) of the amendment, if not ruled out of order must have been in order.

MR. SPEAKER: — Well I find myself in contradiction with the member and from his point of view, unfortunately, I'm the Speaker, and I'm saying I have not ruled on the amendment. I have no knowledge of the amendment other than something the member had said as a speech. I do not accept that as anything I have to rule on at this time. I only have to rule on one thing: whether the member is speaking to the principle of this bill, and if he refuses to do that, then we will go on to the next speaker.

MR. COLLVER: — Mr. Speaker is determining then that the principle of this bill is only as it is written, that is pertaining to a third party. Whether or not . . . (inaudible interjection) . . . Oh, I'm sorry, Mr. Speaker. You may, as I said before, if you like to enter the debate in that way, Mr. Speaker, and rule me out of order, that's perfectly satisfactory to me, I'm sure, and perfectly satisfactory to the people of Saskatchewan.

I think it is quite conceivable that I could bring about further discussion of Bill No. 105 just by relating to the moneys received by third parties, and I think that's what I'll probably do. It certainly, Mr. Speaker, will not rule me out of order, and I just have another 55 minutes before 5 o'clock. I therefore intend to talk now about the money we received as the third party in Saskatchewan when I was Leader of the Progressive Conservative Party, and that's what he says is in the bill.

Now, Mr. Speaker, quite frankly, I don't think that is a fair or reasonable assessment of what the role of a member in this legislature is. In my judgment, the role of a member of the legislature is to determine what he believes is appropriate to the bill, and what he believes the bill is saying. If the Speaker says that's not what the bill is saying, then surely Mr. Speaker is entering the debate. I don't want to debate Mr. Speaker. I say . . .

MR. SPEAKER: — I'll give the member for Nipawin one more opportunity not to debate my rulings before I pass on to the next speaker. That's exactly what the member is doing – obliquely debating my rulings – and I don't intend to allow it.

MR. COLLVER: — That's great, Mr. Speaker. I'm certainly going to make it to 5 o'clock today.

The Progressive Conservative Party had a problem in 1975 (as I recall). When we arrived in this legislature we were only seven members, and the province of Saskatchewan had never before had an opportunity to have a third party in this legislature. As the third party in the legislature, we found it very difficult – extremely difficult. Our difficulty as the third party in this legislature can be exemplified by some quotations from Hansard at the time, which I believe Mr. Speaker would find eminently in order. So we can express our views of what it was like to have been a third party in the Saskatchewan legislature in 1975, and I, as a member of that third party in the Saskatchewan legislature in 1975, had very great difficulties; I will, over the course of my discussion, Mr. Speaker, attempt to find in Hansard some examples of the kind of difficulties we had at the time because of lack of research. I can even recall, Mr. Speaker, as the third party in this legislature, the speaker of the day making rulings for us or against us as a party during question period that we didn't think were very fair or reasonable. That is not to say they weren't fair and reasonable, but they certainly seemed to us to favor the Liberal opposition of the day. At the time I believe they had 15 members of the legislature, the Progressive Conservative Party had seven and the NDP had the balance of the members elected.

During the time that we had seven members, Mr. Speaker, as the third party in the Saskatchewan Legislature; we received no funding from the Government of Saskatchewan. I remember those days well. We got absolutely zero funding – none whatsoever – and it was necessary for us, having just gone through a provincial general election, having just gone through a difficult problem in terms of funds as a political party. I recall those days well. The difficulty was that we couldn't afford to pay the salaries of our people in the legislature, and yet the reporters and the press and the people of Saskatchewan and all of the people out there were listening to the events of the Saskatchewan legislature, the events that were happening in the Saskatchewan legislature at the time. It presented some very, very serious difficulties. How could we pay our secretaries? We couldn't hire research people. We had to pay the bills from the previous election from any moneys we received into the party for the period of time from June (the election) until the following April, when for the first time we received third party assistance from the Government of Saskatchewan.

Now the difficulties faced by a third party under those circumstances is, I'm sure Mr. Speaker can appreciate, beyond even the comprehension of Mr. Speaker, or of other members of this legislature, who have forever belonged to political parties which have always had money. The NDP, for example, in the lifetime of most of the members of this Chamber, has always had enough money to pay their secretaries and to pay their researchers, whether they were in opposition or whether they were in government.

I think maybe the member for The Battlefords might remember days, perhaps even the member for Saskatoon Buena Vista might remember the days, when the CCF didn't have any money and couldn't afford to pay its bills. But certainly the current members of the NDP cannot remember those days; they have always had sufficient money to pay their bills. Furthermore, Mr. Speaker, they have always been in a position, while they were members of the legislature, to be either recognized by the Speaker as being in opposition or recognized as the government, and as government members they are able to present their cases the way they like. I can recall, as a member of a third party, as a matter of fact as the leader of that third party group, trying to react to the second most

important legislation introduced in Saskatchewan history, since I've been a member of this legislature. I happen to consider this bill the most important. I happen to consider this to be the only time since I've been here that an attack on the very fundamental institution of the legislature has occurred.

I've certainly seen attacks on business people. I've seen attacks on big corporations. I've seen attacks on other individuals in our province but I have never before seen a government attempt to actually attack the institution itself. So I am quite surprised, Mr. Speaker. I am surprised by the attitude of the present government in the province of Saskatchewan. I am surprised at Allan Blakeney, the man who certainly put us through quite a number of months from November of 1975 until April of 1976 with absolutely no funding from the Government of Saskatchewan even though we had to attend the Legislative Assembly, as did members of the Liberal Party and members of the NDP, even though we had to try and compete for press, sitting in this Chamber as third party. Even the member for Rosthern might remember those days and the difficulties we had. We didn't know anything. We were completely green. We didn't understand any of the rules. We at the time . . . (inaudible interjection) . . . Mr. Speaker, we were quick learners, obviously, because apparently within the space of three short years we were able to wipe out the people to our right who at the time we said were kind of silly to go on trying to be just the same kind of administrators as the government. They were wiped out.

I am most surprised, Mr. Speaker, to see the same thing happen to my associates now, but that's their business. They make those decisions themselves. As I say, Mr. Speaker, I am absolutely surprised and shocked that the members to my right take this stand, because they should also remember what it was like to be a third party without any funding in this House. It is almost impossible.

Now, Mr. Speaker, during those days, when we were a third party in this legislative Chamber, during those days when I was a member of that third party in this legislative Chamber, as I say, the difficulties we experienced were tantamount to death. We almost died. We almost did not survive the onslaught. There were times, Mr. Speaker, when because of the pressures of the funding of the political efforts in the political party and the need to repay the debts which had been incurred in the election of 1975, there was just no money to pay the bills. We couldn't pay the secretaries and we couldn't pay our party organizers. It was necessary, from time to time, to put the bite on all of the individual members of the party.

I can recall coming into the legislature at the time, going around and requesting our employees to put up \$25 a month, requesting that the members of the legislature put up \$100 a month, so that we could at least meet the bills. They didn't like that very much – some of them liked it even less than others. They didn't think that was particularly appropriate for a leader to do. But I must tell you, Mr. Speaker, that at the time there wasn't anything else which could have been done. It was either that or no letters would have gone out, all the secretaries would have to have been fired and the party would have had to just rely on the intelligence and handwriting capacity of the seven individual members who formed that third party caucus.

Now, don't you think that would be a wonderful thing, Mr. Speaker, given the present beliefs by those same people who were here, that now it's not necessary to protect third party status because they are no longer a third party. It's not necessary any longer to protect the rights of people to be a third party because, Mr. Speaker, they are not the third party – they are the opposition. So that's their attitude. When they were third

party it was tough sledding, and we finally convinced Allan Blakeney and members of the NDP that they should try to treat all members of the legislature and all opposition members the same, or as reasonably close to the same as they possibly could.

That, Mr. Speaker, surprised me on the part of the Conservatives. It is even more shocking on the part of the government. Here is the Premier of Saskatchewan who was most reasonable in April (although it took a long time to get him to be reasonable) . . . I do recall, Mr. Speaker, back in 1975 an agreement which was reached between members of this Assembly, similar to the kinds of agreements made here in which people break their word. This was when I was a member of a third party, Mr. Speaker, and the third party status in the legislature was not established. Even then there were agreements made between members, and agreements at that time were made and broken.

I recall another agreement made in 1975 in which five things were agreed to. Three were in writing, two were verbal. Unfortunately, the three that were in writing were the ones given by the Conservatives to the NDP. The two that were verbal were given by the NDP to the Conservatives.

It is interesting to note, Mr. Speaker, that the two which were verbal were not completed. The three which were in writing were expected to be completed. I can only say, Mr. Speaker, thinking back to those days, I was badly bitten politically, by stating that because they didn't give the Conservative Party the two items they had requested at the time (even though the Conservative members who were doing the negotiating weren't quite intelligent enough to get theirs in writing but gave their agreement to the Attorney General in writing). I can recall when I said, there's no deal of any kind whatsoever, and said, that's it, you'll go through a throne speech debate whether or not some agreement was supposedly reached. I remember, Mr. Speaker, taking political flak for that for months.

That's the kind of difficulty one can get into when one is in a third party and doesn't have the ability to obtain the necessary research and secretarial help to present one's case. I received, from all over the province, the absolute undying hatred of many individuals who were involved in local government, because the NDP said, it's all Collver's fault, and the press believed them. The NDP whipped out (you will recall, Mr. Speaker) the letter written by the Conservative members and said, look here, it's a three-point deal and there it is in writing; and I said, yes, but there were two verbal points. What verbal points? Who knows some verbal points?

You see, that's the way it goes; I learned a very valuable lesson, Mr. Speaker, at the time. The lesson I learned was, you can take a man's word in this legislature only so long as it's good for him. When it stops being good for him, then his word is no longer any good. Once you recognize that adage, then you can go ahead and understand the proceedings of the House and not get mad when one member breaks his word to another, because, quite frankly, you realize that's how the word is given in this place. It's too bad; it's unfortunate that's what they believe giving one's word is all about, but that's what it is. It's the old adage I mentioned once before about whose ox is being gored.

You tell me how the Attorney General got away with giving his word: I'm bringing in this bill not before 3 o'clock – and today we started at 10:30. Don't give me that three-party agreement. It's giving one's word.

Mr. Speaker, I'm not going to get into that because once again you have alerted me to not question your rulings. I do, however, contend that Bill No. 105 (and I'm going to continue talking about third parties until 5 o'clock) is more than just a payment to a third party; it is a payment to the Unionest Party. That's what it's all about.

We have, Mr. Speaker, and I would be happy to bring you evidence to the fact, a letter from the Department of Finance addressed to the Unionest Party alerting us (can you believe this, Mr. Speaker) . . . (inaudible interjections) . . . I am much more interested in the conversations going on across the House, Mr. Speaker, and I find it difficult to hear myself think. I was attempting to say to you that I intend to contend this bill is in fact against the right of association and the right of free speech. I believe it to be. It is, in my opinion, an important bill and an important milestone in Saskatchewan, if passed. It is more than just the funding of third parties; it is more than just the moneys which are paid to the leader of third parties; it is an attack, because of the dates involved and because of the way the bill came forward, on a specific third party; it is an attack on the views of individual members who make up that third party, and therefore an attack on personal freedom and personal liberty. I do intend to return to that, Mr. Speaker, because I do believe that it is important.

However, I want to speak in terms of grants to third parties (since that would be, I am sure, an interesting debate and I am sure would be right on with what Mr. Speaker believes is the point of this bill), which I am sure is more than important with reference to members of this legislature.

Mr. Speaker, I wanted to alert you that we wish to discuss the problems and difficulties which went on with reference to our position as a third party in this legislature. I am going to be bringing in evidence (at the time, Mr. Speaker) of how much difficulty there was. I think it would be interesting and important for the members to know that there were times when the bank account was overdrawn an extremely substantial amount of money. How else could one pay one's bills? Mr. Speaker, the leader's account was overdrawn to an extreme extent at times, which had to be backed by the individual leader of the day.

I know the present Conservative Party isn't faced with that problem because the members have negotiated all kinds of money out of the government coffers. That is a point, Mr. Speaker, I might like to bring forward at this time to tell the members just what kind of a deal the Conservatives have from the NDP and what they are trying to relegate the Unionest Party to as individual members of the legislature. I think that's a fair assessment.

I wonder if the members of the legislature are aware that in addition to the statutory requirements, the Conservative Party also receive \$30,552 per annum for one research officer 4. That's in addition to the statutory requirements in this bill. They receive this from some special little research kitty. The Unionest Party, although it is recognized (even after this bill passes) as a caucus in the legislature, receives nothing for research officers. The Conservative Party also receives an amount of \$26,316; multiplied by 2 for two research officers 3. You see, Mr. Speaker, they are entitled to each caucus getting one research officer 4 and one research officer 3 for each eight members of the Assembly. They get that out of another fund; that isn't shown in the legislative part of The Legislative Assembly and Executive Council Act. So they are pretty well off. They can afford to be pretty gregarious in their approach to Bill No. 105. They forget, however, what it was like back in the old days. You will recall back on May

3, 1979, when (and I've been saying quite a lot here) it was the old bill. Now I hope Mr. Speaker won't rule me out of order for bringing in excerpts of the debate on Bill No. 108 in 1979, which was then an amendment to The Legislative Assembly and Executive Council Act. Now, admittedly, some parts of the debate, Mr. Speaker, weren't exactly pertaining to the wording of moneys to third parties. But after all, Bill No. 105 is an amendment of The Legislative Assembly and Executive Council Act which is now in existence and surely it is of some interest to Mr. Speaker and members of this Assembly to know what was said by various members at the time that Bill No. 108, March 3, 1979, came into play in the province of Saskatchewan.

I would like to read first of all, Mr. Speaker, the comments of Mr. Romanow, the mover of the bill, as he moved it on May 3, 1979. I hope Mr. Speaker would like to listen to it. I would hope so. He said, and I'm quoting now from Hansard, page 2553, May 3, 1979:

... moved second reading of Bill No. 106 – An Act respecting the Legislative Assembly, the Executive Council and Legislative Secretaries. He said: Mr. Speaker, I move second reading of The Legislative Assembly and Executive Council Act. This year I think all members will know, the public certainly knows, that we have brought forth new acts in a number of areas which affect the rights, privileges and responsibilities of the members. For example, tonight we dealt with sections of The Legislative Assembly Act dealing with the matters relating to conflict of interest. We think, therefore, this is an appropriate time to consolidate The Legislative Assembly Act, The Legislative Secretaries Act and The Executive Council Act.

This bill provides, Mr. Speaker, for new salaries and allowances for members. There are, of course, many ways and many opinions about the way to revise the salaries and allowances paid to members. In the past we have set up a committee chaired by one of the judges of our superior courts to review the matter. This was done with Mr. Justice Woods and was done with Mr. Justice E.N. Hughes.

In his report, Mr. Justice E.N. Hughes noted that the ever-expanding workload of MLAs is present. He commented that while it was not yet a full-time job (that was in 1976), the trend was definitely in that direction. Mr. Speaker, I believe (says the Attorney General) and the government believes that we have reached that point where for many MLAs it is a full-time job. The sessions are longer and harder and there are usually two sittings. Constituents are placing increasing demands on MLAs. Most members find that even when the House is not sitting they make very frequent trips to Regina on behalf of their constituents. The time has come for the pay scale to adequately compensate MLAs for the work that they do.

That was his introduction. And he goes on, and he's emphasizing here, Mr. Speaker, the pay for MLAs. But later on in the debate you're going to hear some very interesting comments from various members of the legislature with reference to the third party status, with reference to pay to MLAs, with reference to that most recent introduction and amendment of the bill respecting the Legislative Assembly and Executive Council. The combined indemnity and annual expense allowance in this bill will go from \$16,030 to \$17,500 or an increase of 9 per cent. The allowance paid to cabinet ministers is increased from \$19,300 to \$20,500, an increase of about 6 per cent. The Premier's allowance goes up in this bill from \$26,095 to \$27,250, an increase of 4.5 per cent. The Leader of the Opposition receives the same allowance as a cabinet

minister. The grant to the office of the Leader of the Opposition will increase from \$40,000 to \$50,000. Members will also receive an increase in the sessional expense allowance from \$3,530 to \$5,000. The travelling, telephone, communication, constituency office allowances and sessional per diem allowances paid to members have also been revised to take into account increased responsibilities. The grants paid to the caucus offices will be increased. This will allow for improvement in research and other facilities provided for all members. The further allowance of legislative secretaries will increase to \$5,000.

The other changes in the Executive Council and legislative secretary's portion are mainly of a housekeeping nature.

Do you hear that, Mr. Speaker? There wasn't any need at all back in those days, that's a year ago (gosh that's such a long time). There wasn't anything more than this, except the housekeeping. So the bill had been reviewed by government and had been reviewed by the opposition, less than a year ago. There was nothing there but housekeeping. That's what he said, mainly of a housekeeping nature.

The act provides that in future, the salaries and allowances paid to members will be adjusted in accordance with the average weekly wages and salaries of the industrial composite in Canada. Although this will mean we will always be one year behind, it will eliminate the necessity to come back to the legislature time after time to change salaries and allowances.

Mr. Speaker, important objectives are accomplished in this bill. (Listen to this Mr. Speaker, because perhaps this will tell you why I object to Bill No. 105 on the basis of individual freedom and as an attack on rights of association. Mind you, you may rule as you will.)

We have brought together three pieces of legislation affecting the rights, privileges and obligations of our members. We have established a system of allowances which will enable members to serve their constituents better. In my judgment, we will have provided for a means of adjusting members' salaries and allowances, without legislative amendment, to compensate them for the onerous and important job that we carry out.

Mr. Speaker, I move second reading of a bill respecting the members of the Legislative Assembly, the Executive Council and the Legislative Secretaries Act.

Now then, Mr. Speaker, in comes Mr. W.C. Thatcher, the member for Thunder Creek, into the debate. He said:

Mr. Speaker, I think it is fair to say that when a bill such as this reaches the Assembly I think all members on both sides of the House find it highly distasteful.

Wouldn't it be nice if members on all sides of the House found Bill No. 105 as distasteful as they found it necessary in Bill No. 108, to increase their own salaries? Wouldn't it be nice if they found it that distasteful? Isn't it wonderful that less than a year ago, the members to my right found it distasteful to bring in a bill that increased their own salaries, established as the Attorney General said, the rights, privileges and obligations of members, established, as the Attorney General said, the reasons for the

various departments to bring the bills together to consolidate and only bring about a few housekeeping provisions otherwise, and the member for Thunder Creek found it distasteful, yet now members to my right and members opposite don't find Bill No. 105 distasteful at all. They think it's terrific. The Leader of the Conservative Party says publicly – we support the concept of Bill No. 105 because we don't believe that taxpayers' money should be used to support a party which says break up Canada. That's what he says. If that's not an attack on what people think, even though it's not sedition, even though it's not treason, even though they are not traitors, even though none of those concepts can be proved – if that's not an attack directly on what people think, then no one could possibly imagine what an attack on what people think could be. That's what it is – an attack on what people think and the Leader of the Conservative Party said so.

AN HON. MEMBER: — Shame.

MR. COLLVER: — Shame, says the Attorney General. The member for Biggar, in putting forward the government's case . . . Mr. Speaker, in the case of Bill No. 105 there were a couple of people who found it distasteful to bring forward the bill. Now the one who normally finds it distasteful to have his hands dirty or to remain in the Chamber when we are all faced with some problems, or any other kind of distasteful business or discolorful business, is the Premier. He never touches anything which is distasteful. Let him open a fair, let him stand up and speak at constitutional meetings, let him stand with the Queen, but never ever let him put forward anything distasteful. But suddenly we find, Mr. Speaker, in this debate there are now two people in Saskatchewan on the NDP side who don't want to take anything on them that's distasteful. One is the Premier who never touches distasteful things, and the other is the Attorney General who always touches distasteful things. So I wonder, Mr. Speaker, whether the poor man from Biggar is suddenly stuck with the most distasteful of all legislation in this House, the most distasteful. You see, Mr. Speaker, he stands in presenting the government's case and says, the only reason for this bill is to correct a previous problem, an oversight, I think was his word. An oversight, that's the only reason. We didn't think about it before.

But the Attorney General says, after reviewing it through all of the government, and the opposition I know reviewed this whole matter for five months . . . It didn't come up until May 3, 1979, and was first introduced as a proposition at the start of that session. For all that period of time they couldn't once think, or conceive, or imagine that two members of the legislature might form a new party. Mr. Speaker, it is nonsense that any member of the legislature could spend all that time working out his own pay, finding out how distasteful it is to the member for Thunder Creek to even discuss the bill, to even bring it forward. You see, Mr. Speaker, that's why this bill is more than just third party status and the payments to the third party leader. It is in fact a total contradiction of what was said less than a year ago. The mere introduction of the bill is a contradiction of what the members, who sit here now, said a year ago. I intend to bring in more contradictions, Mr. Speaker. I might just bring in one more. I won't go through what the member for Thunder Creek said, because what the member for Thunder Creek said, in part . . .

MR. BOWERMAN: — Yes.

MR. COLLVER: — Oh, does the member for Shellbrook want to hear what the member for Thunder Creek said? He's joking about it. Well, I refer the member then to page no. 2555 and 2556 of the Hansard of May 3, 1979. Let me tell you what the member for Rosthern said. Isn't it a shame he is not here tonight to hear his own words? He said:

Mr. Speaker, I stand in support of this bill for two reasons. (This is last year.) First of all, it deals with the reality of the increases because it ties them to the industrial composite in the future. Secondly, it deals with the added expenses of an MLA not having his prime residence in Regina. Added expense items will go some way to easing the expensive costs of being an MLA.

For these two reasons I feel justified in supporting this bill and, in addition, I believe an MLA puts in well in excess of 2,080 hours which is considered to be a working year. Therefore, I will support the bill.

Now, listen to this. The bill was introduced by Mr. Romanow on May 3, 1979 for second reading. The bill had been before members of this Assembly, either in draft form or for first reading, since prior to February. Do you know what, Mr. Speaker? It dealt with all these matters. It amended them all. It set certain criteria for what is a caucus in this legislature. It set certain criteria for what the leader of a third party will be. It set certain criteria for what the leader's office of that third party would receive. On May 3, 1979, Mr. Romanow introduces second reading. Mr. Thatcher speaks for a page and one-half. Mr. Katzman supports it with a short paragraph. Motion agreed to and bill read a second time. No discussion, no arguments, no debate, no nothing!

So, therefore, no one, Mr. Speaker, less than a year ago was concerned enough about the clauses applicable to a third party to even discuss them. No one, Mr. Speaker, less than a year ago had enough interest (so they thought) to even suspect that these clauses which are being amended today were somehow an oversight. What nonsense! What unmitigated nonsense! A bill passes second reading. One member speaks out against it. I will not bore the Assembly with Mr. Thatcher's comments unless they want me to. Mr. Thatcher was attacking the principle, at the time, of members raising their own pay. I don't blame him; I felt the same.

But I say to you, at that time, not one member of this Assembly stood up to speak about the provisions for third parties. Do you want to know why? Because there was no third party in this legislature less than a year ago. There were only two. But you see, Mr. Speaker, less than a year ago, it was distasteful for members to even discuss the bill. On second reading no one even bothered. Why? Because members wanted to talk about the increase in their own pay and they wanted to talk about the increase in their allowances.

That's what they wanted so they worked out all the details of the bill behind closed doors. That's what they did. They worked out all the details of the bill behind closed doors and then came forward with a nice short little speech that I read from the Attorney General saying that this is what the bill is going to do and what's left over is just plain housekeeping. I'm the Attorney General of Saskatchewan and I've examined the bill and it complies with all the laws and rules. I'm the Attorney General of the province of Saskatchewan and my legal department says that it's all legal and legitimate and everybody has looked at the concepts of the bill over the past little while – everybody. It's perfectly straightforward, Mr. Speaker. All it is is a little bit of money and a joining together of these other bills and everything.

And Mr. Speaker is attempting to tell me and other members of this Chamber that the only issue in this bill is whether or not a third party leader receives grants – after all of that! I don't believe that's the only issue, Mr. Speaker. I know it's not the only issue. Mr.

Speaker will be aware as well that there was some debate on May 6, 1976 when the bill was first introduced by the same minister, Hon. E. Cowley. He had different duties in 1976 but perhaps the members might be interested in some of the comments made in 1976 when An Act to amend The Legislative Assembly Act was first introduced. Mr. Cowley said:

Mr. Speaker, in speaking briefly to this bill, before I move second reading, I should like to point out to Members of this Assembly and to others that the last time The Legislative Assembly Act was amended with respect to indemnities was 1972, some four years ago.

Then it was amended with respect to indemnities again in 1979, three years later. And now, Mr. Speaker, it's being amended with respect to indemnities less than one year later. Surprise! Just an act, you say, to amend the grants. That's all. Just an oversight. Oh no. No one would ever believe that. No one would believe less than that this bill is an attack on this very institution itself. No matter what anyone may say and no matter in what capacity they say it, no one will believe that.

Mr. Cowley said at the time:

At that time a committee was set up by this legislature commonly known as the Woods committee, to look into the matter of remuneration for MLAs and other officers of the Legislative Assembly and Executive Council and to make some recommendations. At that time the members of this Assembly in their wisdom, or, some would suggest, lack of it, took somewhat less than the Woods committee recommended. I think over time many of us recognized that it would have been of value to at least have looked at that particular committee's recommendations over the next three or four years.

Now then he goes on to talk about the committee. He talks about making an adjustment to expense allowances. I'd like to read to you what Mr. Cowley, who now introduces Bill No. 105, said at the time of the introduction of The Legislative Assembly Act amendments on May 6, 1976. It's a pity Mr. Cowley is not here as well, Mr. Speaker, because he would probably like to hear his words repeated to him. The press, however, is here and will hear Mr. Cowley's words repeated to him.

With respect to one other section of the bill, I would like to make some comments, as I did with the press this afternoon, and that is the provisions with respect to the third party and to the leader of the third party. The legislation does not specify any amounts and as I pointed out to the press this afternoon, Mr. Speaker, there are no amounts specified for the office of the Leader of the Opposition. These are contained in estimates but it is our intention to follow with respect to the third party the recommendations outlined in the Hughes report.

Now, Mr. Speaker, before I go on, I noticed with particular interest the fact that Mr. Cowley, in introducing the amendments to this legislation, never once quoted from the Hughes report. They used, Mr. Speaker, the Hughes report as the basis to raise their pay. They used the Hughes report as the basis to provide for third party legislation. The reason that he did not mention the Hughes report is because Mr. Justice Hughes, after a lengthy and involved study of The Legislative Assembly Act, quite simply recommended that third party legislation be written precisely the way it is today without

this amendment.

Mr. Speaker, you and others believe that this bill is only concerned with third party and the payment to the leader thereof. How many various experts does one need to bring to bear on any given subject before one recognizes what a bill is. A constitutional legal expert in Saskatoon says it is censorship. Mr. Justice Hughes in designing the legislation in his report specified that it be this way. Mr. Elwood Cowley who introduced the original act and amendments thereto in 1976 recommended that it be that way. Mr. Elwood Cowley today introduces an amendment and tries to convince the people that it's only pertaining to allowances to be paid to the leader of the third party for the maintenance of his office. That's what the bill is all about. How many different experts does one have to bring to bear to show that this bill is more than just whether or not a third party receives grants. It is cutting into the very fundamental nature of our system and of this legislative Chamber. It cuts into the rights of members to think for themselves, to speak as they see fit, to react as they see fit and to associate as they see fit.

Any speaker speaking to any motion has a right under any rule in this legislative Chamber to say what his amendment will be and to speak to that amendment because he must speak concurrently. He gets no chance.

I wish that the members would try to realize what we are informed by any normal parliamentary procedure, and that is that the mover of the amendment may not speak to that amendment. He must speak concurrently with the motion and the amendment.

If he cannot do that, if he does not have an opportunity then a member could continuously move amendment after amendment and continue to speak on those amendments. That's why that rule is in existence. The rule is in existence to protect this Assembly and it's a good rule, but it means that if someone moves an amendment he must speak to the amendment that he intends to move. He must try to prove why the amendment is in order, why the amendment pertains to the bill, and he must try to use every possible reference he can to show that the amendment is what the bill is all about. And that is the system here. That is what the speakers have to do here. That is what individual MLAs have to do here and that is what I intend to do here. How many experts do you have to bring to bear on the subject? There is an expert I'm bringing to bear on the subject, the Hon. Elwood Cowley, who first introduced the bill May 6, 1976.

Let me go on with Mr. Cowley's comments, Mr. Speaker... (inaudible interjection) ...Oh, Allan Blakeney. Yes, we will bring in Allan Blakeney later on this evening, another...

MR. SPEAKER: — Order! It's incumbent upon all members of the Assembly, as much as possible to refer to members by their title or their constituency. I don't think I need to remind the members of that. I have been very patient with the member for Nipawin. I realize when he is reading from the debate and if the member's name appears there, it is quite in order for him to say the member's name. But outside of that the member should observe the usual rules and practices of the House to refer to the member by his title or his constituency.

MR. COLLVER: — Thanks very much, Mr. Speaker. I do appreciate your comments and later this day will certainly want to bring to bear the comments of that eminent expert for Regina Elphinstone, who spoke on this issue in the past in this very Chamber. I will definitely bring his comments to bear on this discussion.

But let's get back to the comments of the member for Biggar in this House. At the time he gave this, in 1976, I don't know whether the constituency was called Biggar. Was it not Rosetown-Biggar then? . . . (inaudible interjection) . . . All right, just Biggar. Well, New York is big, but this is Biggar. Right?

I would also mention that there is provision for constituency offices in the legislation, some \$200 a month. This is not paid to the MLA but is paid on the receipt of vouchers from the MLA showing that it has been expended either for office assistance or for office space.

From the period July 1, 1975 to June 30, 1976, had there been no changes in The Legislative Assembly Act...

Then he goes on to justify the salary increases, Mr. Speaker. I wonder, Mr. Speaker, if I could read the comments, in conclusion, by the member for Biggar. He says:

Mr. Speaker, I am pleased to have been asked by my colleagues and the House Leader to introduce this bill. I personally will certainly be supporting the bill. I think it is realistic. I think many of us would have looked perhaps at some different levels of remuneration had it not been for the public sector's prices and compensation board and the restraint program underway.

Mr. Speaker, I would urge all members to support this piece of legislation. I know we will find ourselves in a difficult position when it comes to making votes for our own remuneration, but I would hope that all members can see fit to support this bill.

And guess what happened then, Mr. Speaker, guess. The very next speaker, Mr. D.M. Ham, Swift Current, said this:

My leader last August and numerous times since has stated his feelings on this subject of MLA increases, and I personally wholeheartedly agree with his stand, and it is also my personal opinion. It is most unfortunate and unfair that this government has tied the third party allowance to this legislation. I will not be supporting the bill.

Now don't you think that's interesting, Mr. Speaker?

In 1976, in order to put through a change in legislation to allow the funding of third parties, after putting the Conservative Party through the period from November to April without any funding when they knew we were close to extinction financially as a result of having to expend money for secretaries and research people in that period of time the Liberals were filibustering potash, at the very same time in May of that session, all of a sudden they say – O.K. boys, you are going to get this legislation through, but first of all we are going to get some increases in pay. And the member for Swift Current and the member for Nipawin at the time said, no, our principles are higher than that. We'll fight through without the money for the third party, without third party support, but you are not blackmailing us into trying to receive the third party grants even though we are almost financially extinct. That's what happened, Mr. Speaker. Those are the facts on the record.

And Mr. Speaker, I think it is close to 5 o'clock, and I would hope that you would call it that at this point.

The Assembly recessed until 7 p.m.