

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
Second Session — Nineteenth Legislature

Monday, June 9, 1980.

EVENING SESSION
ADJOURNED DEBATES
SECOND READINGS

Bill No. 105 – An Act to amend The Legislative Assembly and Executive Council Act (continued)

MR. R.L. COLLVER (Leader of the Unionest Party): — I thank you so much, Mr. Speaker.

MR. DEPUTY SPEAKER: — State your point of order

Point of Order – Preclusion of Member Speaking

HON. E.L. COWLEY (Provincial Secretary): — Mr. Speaker, on a point of order. Mr. Speaker, just prior to 5 o'clock, the member for Nipawin moved the motion that this House do now adjourn. I wish to draw your attention to Sir Erskine May, Parliamentary Practice, Nineteenth Edition, Page 376. It's called Methods of Superseding Question:

The methods most commonly employed for evading or superseding a question are: (1) by moving the adjournment of the House or of the debate (the so-called 'dilatory' motions); and (2) by amendment.

I quote from page 377, the fourth paragraph:

A Member who has already spoken to the main question is not permitted to move either form of dilatory motion (b); nor, having moved a dilatory motion, can he later speak to the main question if his motion is negated (c).

I want to refer to the ruling in this House the other day when the member moved a motion to adjourn. It was lost and the reference was to a report of the rules committee – I believe dated 1969 – in which a recommendation was made, which was later carried by this House, that a member who has lost a motion for the adjournment of the debate shall not thereby be precluded from continuing in the debate, provided he do so forthwith.

I wish to draw Mr. Deputy Speaker's attention to the fact that this deals only with the question of losing a motion for the adjournment of the debate and not to the question of one of the other so-called dilatory motions, referred to in Erskine May, which is the adjournment of the House and the loss of that.

I refer, Mr. Deputy Speaker, also to the Votes and Proceedings, No. 72, of this legislature, dated Wednesday, June 4, 1980, page 2.

A point of order was raised by the hon. Mr. Romanow to the effect that the member for Nipawin could not move two motions to adjourn the same debate. Mr. Speaker ruled (and this is the operative part) that a member who has moved an adjournment of debate, which was negated, can continue to speak, if he does so immediately.

I wish to draw Mr. Deputy Speaker's attention to the fact that this was a motion to adjourn the House. I would ask the Deputy Speaker to look at Sir Erskine May and the quotations there, and rule whether or not, as per page 376 and 377, and I quote:

The member having moved the dilatory motion (which is a motion to adjourn the House), does not lose his right to speak in this debate.

MR. COLLVER: — Mr. Speaker – and I say Mr. Speaker, because I was advised earlier not to say Mr. Deputy Speaker – will be aware that prior to 5 o'clock, Mr. Speaker recognized the member for Nipawin after the motion for adjournment was made. The motion for adjournment having been made and having been defeated, it may have been that that particular motion was out of order. However, Mr. Speaker did not recognize that it was out of order; he recognized it was in order; he called for a vote; the vote was taken and after the vote was taken I rose in my place. Mr. Speaker recognized me. He then, Mr. Speaker, allowed me to speak for a few moments. At the conclusion of that, and the record speaks for itself, Mr. Speaker called it 5 o'clock and this House then stood adjourned until 7 o'clock this evening.

So I say two things. If the member for Biggar is correct (which I do not believe), then Mr. Speaker earlier made an error. However, in not ruling the motion for adjournment out of order, in making that error, he then went further and recognized me to speak further on the motion that is presently before this Assembly. Having recognized me, he then called it 5 o'clock. Therefore, if the member for Biggar is correct, (and I do not recognize that he is) he must have called his point of order before Mr. Speaker recognized me as the speaker on this bill. He must have called that point of order before that, and he must have made that point before that. Because Mr. Speaker recognized me, and because he called it 5 o'clock with me on my feet, I must now be recognized in this Assembly.

MR. DEPUTY SPEAKER: — I wonder if the House would permit me a few minutes to try to come to a decision on this point of order and come back as quickly as I can. Would that be agreed?

Order. First of all I want to deal with the points raised by the hon. member for Nipawin and I want to point out that the motion to adjourn the House was in order, originally the motion he moved earlier in the day. The member for Nipawin raised the point that the Speaker had allowed him to continue his remarks at 5 o'clock, after the motion was negatived. I remind all members that the Speaker, or any member, may raise a point of order when a breach of order occurs. I find that the point of order was raised at the first possible opportunity, as the member called it 5 o'clock immediately after the division on the original motion. So I find the point raised by the hon. member for Biggar was in order and I will deal with that point.

Some doubt has been raised in this case whether the citations in May and Beauchesne's, which prohibit a member who has lost an adjournment motion from re-entering the debate, apply in this case.

The 1969 rules committee report lists this prohibition for a member moving the adjournment of the debate. However, application of this to the adjournment of the House was not included. I refer all members to a ruling of the Chair of January 6, 1976, page 108 in the Journals, which clarifies the practice in this House, and I will read that ruling in full:

The debate continuing, a point of order was raised to the effect that the mover to the motion to adjourn the Assembly had the right to continue his remarks after the motion was negatived. Mr. Speaker ruled that the member, in moving the motion, lost his right to continue his remarks. He referred all hon. members to Beauchesne's Parliamentary Rules and Forms, Fourth Edition, p. 138, citation 165 (8) as follows:

'A member who has moved or seconded the adjournment of the debate which has been negatived cannot speak to the original motion.'

Mr. Speaker, reminded the members that this citation in Beauchesne's before 1969 has applied to all adjournment motions. Upon the recommendation of the select standing committee on standing orders and procedures, 1969, the Assembly granted an exception to this general rule by allowing the member who has lost a motion for the adjournment of debate, to continue in the debate provided the member did so forthwith.

Mr. Speaker pointed out that this exception to the rule did not encompass the motion to adjourn the Assembly and therefore ruled that the hon. member had lost his right to continue in the debate.

I therefore rule that the member has lost his right to speak on the main motion. I would point out that the hon. member has the right to speak to any amendments to this motion and certainly has the right to speak at the committee stage in third reading of the bill. Is the House ready for the question?

MR. COLLVER: — On a point of order. Mr. Deputy Speaker, I am not questioning your ruling. However, during the course of your ruling you made one statement that I think requires clarification to the Assembly.

You stated that the point of order made by the member for Biggar had been made at the first possible opportunity. The record will show (and if Mr. Speaker is desirous of hearing the record) I could tell him the exact words that were on the record prior to my asking Mr. Speaker to recognize it as 5 o'clock. It was at least one entire paragraph of remarks prior to asking Mr. Speaker to call it 5 o'clock.

Now it seems to me, Mr. Deputy Speaker, that that having been said (and Mr. Deputy Speaker may not have been aware) that that is on the record to suggest that those remarks were not made is to belie the record. The record indicates that. Therefore, the member for Biggar did not make his point of order at the first possible opportunity. I ask Mr. Deputy Speaker to review that again in the light of what the record will show when it is produced tomorrow. I will be happy to repeat the remarks verbatim if you like, to indicate what was said prior to my request for Mr. Speaker to call it 5 o'clock. So it wasn't made at the first possible opportunity.

MR. DEPUTY SPEAKER: — Order! I made my ruling on this particular case. I just point out to the hon. member that it has been the practice in the House to interpret at the earliest possible opportunity. Sometimes I can recall, (I'm sure all hon. members can) people the next day raising points of order because they wanted to check the record. I think in this particular case that it applies as well.

MR. COWLEY: — On the point of order I just want to point out that when the member for Nipawin rose I was on my feet, and Mr. Speaker was looking at the member for Nipawin

and the member for Nipawin . . .

MR. DEPUTY SPEAKER: — Order! Thank you. I have already made my ruling.

MR. D.M. HAM (Swift Current): — Mr. Deputy Speaker, now it's my turn. Settle in your chairs and enjoy yourselves.

Mr. Deputy Speaker, I have been waiting, believe it or not, since the member for Nipawin began his remarks some seven or eight days ago, to become involved in this debate. It has been pointed out extremely clearly by the member for Nipawin on a number of occasions the seriousness of what this government and the opposition are trying to do, not just to the member for Nipawin and the member for Swift Current, not just to the Unionest Party of Saskatchewan or western Canada, but to this very institution and the roots and future of democracy in our society.

I think it's important, Mr. Deputy Speaker, to relay to the members of this Assembly several extreme points of interest and concern expressed by authors and famous political historians about our political system and its future. I will be, over the next several days or weeks, using this documentation to bring to the members' attention the seriousness of the mistake they're making. And you are making a very, very serious mistake.

My political father was the federal member of parliament for Swift Current-Maple Creek for 14 years. I am proud of the fact that I have been associated with that gentleman for most of my life. He and others, including the member for Nipawin, were instrumental in the member for Swift Current becoming involved in politics, because we wanted to make a significant change. We weren't successful.

Politics and philosophy aside, Mr. Deputy Speaker, the ramifications of this bill are so far-reaching that the member for Nipawin and the member for Swift Current have decided that we will spend as much time as humanly possible to bring to the attention (not of this Assembly because obviously it's useless; it's futile) the serious problems of this bill.

Mr. Deputy Speaker, my political father, shortly after my announcement of becoming an independent, came to the defence of the member for Nipawin and me with respect to our cause, and at that time quoted Edmund Burke (I'm sure most of you are aware the member for Nipawin has referred to him on occasion), and I, too, would like to read his most famous philosophical statement with regard to politics; and further to that, explain why I'm opposing this bill, and why members of this Assembly should (although I don't have any doubts, you won't) seriously consider this bill with respect to opposing it.

Edmund Burke was quoted in 1774 as saying:

Your representative owes you not his industry only, but his judgment, and he betrays you instead of serving you if he sacrifices it to your opinion.

Mr. Speaker, this bill, with respect to the future of the member for Nipawin, and the member for Swift Current is parallel. The member for Nipawin has already indicated on several occasions that he does not intend to run or to become a candidate in the next election. At this juncture I am not going to commit either way as to whether or not the member for Swift Current is going to do that.

However, I think it is important, Mr. Speaker, in respect to this bill, that members realize (and if you like, it becomes a little personal, not with me, but with all of you) that we are all elected to do a particular job – a responsibility to our constituents and to our country and to our province. I have been one member of this Legislative Assembly (as many others are, I'm sure) who was concerned about my political future until very recently. It became increasingly important to me, Mr. Speaker, to recognize that if one were to be truly honest and sincere about problems which are facing the future generations of this nation, one must take a stand which is very unpopular.

Recently I had the occasion to bring a gentleman to Regina for medical treatment (he wanted a ride in) and this again, to relate it to the bill, parallels the ramifications of this bill. Several miles out of my constituency he stated to me (I should tell you first that this gentleman is not young; he's 67 or 68 years of age) his father said to him several years ago (in fact several decades ago when he was a young man), son, what's lacking in this country is that we have too many politicians and not enough statesmen. I said well what do you mean? What's the difference between a statesman and a politician? He said, son, a politician is one who worries about his seat first. Then he worries about his party, and then he worries about the people. And if you want, I'm calling myself a statesman and I'm calling the member for Nipawin a statesman. A statesman worries about the people first – the constituents and the future generations.

This bill is going to affect not only my children and grandchildren, but everyone's. Mr. Speaker, for the sake of the opposition, for I don't know how many times, they are tying themselves into something that they may pay dearly for some day. If this government can retroactively bring in legislation such as Bill No. 105, to eliminate unpopular causes of the day, surely they can bring it in several years down the road, or several weeks down the road, to eliminate unpopular oppositions of other political attitudes.

The argument is continually raised with respect to our cause and Bill No. 105 – oh, our constituents don't like what we're saying, or our constituents are opposed to hearing this. This very morning, Mr. Speaker, in my own constituency, I had two constituents who said to me, Dennis, I'd support your cause if you hadn't gone so far; I wouldn't support Bill No. 105 if you hadn't gone so far. If you had only gone to western Canadian separation I'd be with you all the way; you would have a massive party on your hands.

It is just unbelievable that in a free, democratic society such as we supposedly support in this legislature, that the majority would attempt to stifle or to eliminate those of this Assembly, those of our society with whom they don't happen to agree. There are members on the other side of the House I want to speak to (and the member for Nipawin raised the point of minority groups on several occasions). You, of all people in this legislature, realize fully the rights of minorities, the difficulties you have faced over generations in this country, and in your homeland – the difficulties minorities faced with respect to their rights. Your ancestors left a nation because of minority persecution, and you are now setting up a precedent, retroactively bringing in this kind of legislation in a society where most people came to get away from that sort of persecution.

AN HON. MEMBER: — Who are you talking to?

MR. HAM: — I am talking to any member on that side of the House who happens to believe he is a minority. I think probably most people of this Assembly were a minority at one time.

Mr. Speaker, I would like to read into the record an interview which took place between the CBC and a Professor Howard McConnell, the constitutional authority at the University of Saskatchewan. I apologize to the members for any repetition of what was said by the member for Nipawin, but it is going to be more than just this that is significant. This particular gentleman is an expert. I have to suggest, with all deference, there are not many constitutional experts in this House.

The interviewer said, Professor McConnell, how does this bill represent censorship? McConnell said, well, I think, Dick (referring to Dick Miller), if Messrs. Collver and Ham joined perhaps a more popular political party . . .

Maybe I should interject there, Mr. Speaker, about the news article the member for Nipawin read today with respect to the Premier of Saskatchewan, commenting that the western premiers' conference in Lethbridge spelled out clearly where he stood. He wants a Liberal opposition in here. He doesn't want us. We are an embarrassment to him. I wonder how the news media in eastern or central Canada today are treating our constitutional expert in Canada, Premier Allan Blakeney, the member for Regina Elphinstone, a man who represents Canadian unity? I wonder how much respect he has now, when he and his government in Saskatchewan have brought in a bill to eliminate a minority? Hypocrisy! If Messrs. Collver and Ham joined a more popular political movement, maybe if we had espoused only western Canadian separation, we would have been recognized. If they, say, had formed themselves into a Liberal or a Social Credit Party in the legislature, it would be more likely that they would receive the financial support which the government is now denying them. I think the fact they represent an unpopular, and what some people might call a fringe minority . . . If that is the case, Mr. Speaker, if we represent a fringe minority, then why Bill No. 105?

It was raised in this House today by the member for Thunder Creek. And I happen to think he is correct. We sat down and determined there has been more money spent in this legislature in the last seven or eight days than our grant would have amounted to in the next two years. This is exposing him to the present attack by all parties in the legislature to take away the funding they themselves otherwise receive.

Miller then says, this brings up what I think to be a rather important point and that's the right of the majority (the heavy-handed majority, I guess). He said there was a CBC poll on the program a few days ago showing that 60 per cent were in favor of the government's move to limit funding.

It is interesting, Mr. Speaker (and I will interject again on this interview), that within 24 or 48 hours after the announcement of the Unionest Party, or the introduction of Bill No. 105 (and the member for Moose Jaw North may be interested in hearing this), I happened to tune in to his local radio station, CHAB. Each day they have a 60-second topic of interest, when they ask the public to phone in and give their opinion on the topic. The question was asked, should the Unionest Party not be funded, or something similar to that. And 50 per cent said yes.

AN HON. MEMBER: — What did your constituency say?

MR. HAM: — My constituents (I don't want to get into a debate with members from their chairs, Mr. Speaker) will have an opportunity in the next election to say yes or no as to whether or not they want the member for Swift Current who presently sits in this legislature to return. I think, Mr. Speaker, I am going to say it again: I really can't

honestly understand what members of the government and members of the opposition are so afraid of. We have heard catcalls, and suggestions in the hallways and seen articles in the newspaper to the effect that we are going to be defeated in the next election. So what is the worry? What is the concern? Why the bill? Why are you so uptight? Perhaps the article which was referred to today by the member for Nipawin is true. Maybe you are embarrassed by us. In any event, now that the majority . . . (inaudible interjection) . . . I guess the member for Moose Jaw North didn't hear my opening remarks with respect to statesmen and politicians, Mr. Deputy Speaker.

The fellow asked – now that it's majority rule, isn't that how the country is run? McConnell told Dick that majority rule is important, but there is nothing more special in a liberal or social democratic system than the rights of the minority. Our problem is really how to protect the rights of minorities. The most unpopular minorities are, needless to say, the ones which need the protection the most. . . . (inaudible interjection) . . .

I'm going to get to John Stuart Mill very shortly. I appreciate the encouragement. I have some on him later too, as a matter of fact.

They asked how we were going to protect the rights and freedom of expression or freedom of political association from being violated by an intensive majority. And I think that's important, Mr. Deputy Speaker, respecting this bill – intensive majority.

Because that's always where the danger comes from (I'm sorry if this doesn't sound right; it's the way I'm reading it) to civil liberties.

Miller went on to ask if that were the true test of democracy. McConnell answered, as John Stuart Mill once said, right. Miller asked if there were any kind of precedent in Canada or North America for a bill of this nature. McConnell's answer was – not recently that I know, Dick.

I think, perhaps, during the American Civil War certain legislatures in border states, which had southern sympathies, were deprived of their political rights in circumstances of emergency. I believe and the member for Nipawin believes we do have an emergency situation in Canada. Perhaps on that note alone, you have a right to the bill. I don't think so. We don't have a civil war in Canada. We have a problem in Canada with respect to its future. Otherwise, we wouldn't have made the statements we did. Mr. McConnell said that this was an extreme case. But once the principle that the legislature can retroactively derogate from the rights of a party by introducing legislation was introduced he wondered where it was going to end. It is a question of degree. Miller then asked if this could help Mr. Collver and in what way. And he answered that he thought if nothing had been done, Messrs. Collver and Ham, according to the CBC survey, would not enjoy very much support. He said this will give publicity to the Unionest Party. (Hear, hear, and we thank you.) It will arouse sympathy for the Unionest Party and it will give them a veneer of martyrdom, he said.

The member for Moose Jaw North laughs. I wonder if there weren't a lot of people in Saskatchewan in the 1930s who were laughing at the CCF. And I wonder where the CCF-NDP would be today in this legislature if the Liberals at that time had said, hey, we don't like what these socialists are saying. Let's eliminate them. Let's retroactively eliminate them. They wouldn't be here today. You know it and I know it.

He went on to say that it could very well convert what appeared to be a losing cause into one with some prospects, although he didn't overrate the prospects.

This bill, these comments and the premiers of Canada meeting with the Prime Minister of Canada are significant. Before they even reached Ottawa, they couldn't agree. I think we better wake up.

Miller finally asked what the government should do. If they withdrew the bill, he wondered if that would put them in an even more difficult position. McConnell's final answer was that withdrawing the bill would show a great respect for the rights of dissenting minorities.

I sometimes wonder though if it would take a hypocritical critic of the left looking at what is being done here. Would he not say, what about your much vaunted liberal democratic multiparty system? Spoken by a professional expert. It is all right; the parties can exist as long as they don't challenge the underlying functions that other parties share. Once they grow a little bit outside them, then they are no longer members of the club. And do we have a club in this legislature – members to my right and members across the way. So, really your multiparty system is a sham. You know, I would be afraid of this criticism being made and I think it might even be made effectively, he said. That was the end of the interview, Mr. Deputy Speaker.

Mr. Deputy Speaker, I have further documentation to present to this House and I now beg leave to adjourn debate.

Motion to adjourn debate on Bill No. 105 negatived on the following recorded division:

Yeas – 02

Collver

Ham

Nays – 25

Kramer
Shillington
Dyck
Byers
Koskie
Johnson
Berntson
Muirhead
McLeod

Baker
MacMurchy
MacAuley
Vickar
Matsalla
Lingenfelter
Rousseau
Katzman

Skoberg
Kowalchuk
Feschuk
Rolfes
Lusney
Solomon
Swan
Andrew

MR. HAM: — Thank you, Mr. Deputy Speaker. It is a pleasure to be back. I had an opportunity to collect my thoughts. I appreciate the time the House has given me. I have a few comments to make later on this evening, or tomorrow, or next week, to the members to my right Mr. Deputy Speaker, but we will leave that for the moment.

I think it is important, Mr. Deputy Speaker, with respect to Bill No. 105 to express to

members of this Assembly (and hopefully the people of Saskatchewan are interested) . . . I made remarks earlier in my speech about the ramifications and the seriousness of Bill No. 105. I think members have neglected to recognize the fact that it is just another step toward failure in our democracy. I think members of this House have witnessed over the last several weeks and months, I would suggest, situations which have risen within these hallowed halls and this Chamber that, to my knowledge, have never happened before. I think members should take heed; this is just another chink at the base of what we believe is to be a democratic system. Now for the sake of the member who is groaning from his chair, we'll cite a couple of cases.

Last fall, at the opening of this session, the SGEA was demonstrating in the rotunda. So be it; that's their democratic right. I hope they still have democratic rights. I don't happen to agree with that particular presentation or that particular method of demonstrating, but they were doing it and they have a right to do it. I believe in minorities.

However, Mr. Deputy Speaker, they took exception to the fact, (I was a Conservative then), they heckled and booed and made resounding noises against the Conservative caucus as they brought their wives in. So be it. The same thing applied to the New Democratic Party as they came in through the Chamber doors. However, for the sake of the member for Moose Jaw North, I don't think in history, in this province, we've ever heard demonstrators boo and hiss the representative of the Queen while they were playing the Queen's national anthem – the royal anthem. And they did that to the Lieutenant-Governor as he came in. That is just another indication of the kind of thing that's going on in this province and you are contributing to it with Bill No. 105. . . . (inaudible interjection) . . . I would not boo today and the member knows that.

The members of this Chamber, who have made remarks with respect to the members on this side of the House in the Unionist Party and our oath of allegiance to the Queen, should be aware of the fact (and I believe the member for Nipawin brought this out in his debate), that there members of the British House of Commons, in mother parliament, who have taken the oath of allegiance to the Queen, and have taken their place in the House of Commons and stood up and asked for the abolition of the Queen. We are not asking for the abolition of the Queen. We have stated time and time again, we're not dividing this country; we're not breaking this country up; it's happening to the country by itself. We're placing an option forward.

The member for Moose Jaw North (I find this amazing; I really find it amazing), says we're no threat; we're going to be defeated next election or we may not run, so what's the concern? He expresses serious concern about us. He should not get so concerned. And the member for Moose Jaw North, I am sure, was here, Mr. Deputy Speaker. Another indication of the seriousness of Bill No. 105 is the serious nature in which it attacks democracy and attitudes of the people. We have to emulate an attitude of leadership within these walls.

We watched two groups in this Chamber not many weeks ago. We all remember the circus atmosphere. I've only been here five years. There are members who have been here much longer than I have. Has that ever happened in the past? There is no respect, or there is a lack of respect by a lot of people outside this Chamber because of this kind of retroactive legislation – attacking a minority. They don't agree with a philosophy we have, so let's eliminate them. There's no problem. Let's bring retroactive legislation in Bill No. 105 and say good-bye.

I can't comprehend the fact that you can sit there and say, we're not worried about you; you're going to be defeated; you're not going to be around; you may not run, but we're going to eliminate you anyway. Obviously the comments by Premier Blakeney at the western premiers' conference had some credibility. He must be afraid of us. I suppose that's something I should be proud of.

MR. COLLVER: — How about the guy interrupting the introduction of students to enter the debate in a boorish fashion?

MR. HAM: — Yes, not only a member, but a member who should be setting a better example in this Chamber than anyone else — the dean of this Chamber. I think another indication, Mr. Deputy Speaker or Mr. Speaker (whichever), that we are watching is the demise of democracy; it's just, again, utterly incomprehensible. I can't understand.

We are accused; we are criticized because of our suggestion that maybe we should seek union with a country that is presently working, in which the people believe it works — this terrible place to the south. There is a seven-year waiting list to get into the United States of America unless you happen to be somebody who is trying to escape tyranny as 111,000 Cubans, as of last weekend, leaving Cuba are trying to. You can get in, I guess, if you are a refugee. This terrible place to the south — I find it amazing.

Mr. Deputy Speaker, with respect to the decline of democracy, I found a quote here from John Adams, which I think is most interesting:

Democracy never lasts long. (Little wonder.) It soon wastes, exhausts and murders itself.

You can heckle me; you can poke fun at me; you can criticize me. It has been said before. I can stand here and talk to you about my faults and, if I happen to have any, attributes. But what I do have, and I think what I am recognized for, is sincerity.

And I am sincere about this bill. We have stated time and time again and I am going to repeat time and time again . . . (inaudible interjection) . . . The money — you're worried about the money. We keep hearing about the money. The leader's grant has already been assigned to the community fund in Nipawin. It is going to be extremely interesting, Mr. Speaker . . . (inaudible interjection) . . . It's retroactive; we won't get that. If I get it, it's going to go to the Swift Current United Appeal.

It will be very interesting, Mr. Speaker, when this bill passes, and I know it's going to pass. You are going to use the majority. Mr. Hon. Member for Saskatoon Riversdale, the Attorney General, has already stated the majority is going to pass it. We know it's going to pass. Why are we fighting? If every politician or citizen, or both, gave up when he felt that, well, I haven't got time to fight the principle, then I can see that society is eroding. He might say, I haven't got time for that; I want to go to the lake and water ski or I want to go to the pool hall and shoot pool or I want to go to the beer parlor and drink; I haven't got time to fool around with this democratic stuff. Why should I be here?

Unfortunately, with Bill No. 105, we are seeing what other politicians are doing. The ones I am most disappointed in are the ones to my right, a group that I felt and believed supported the principles of democratic justice built into the system. I belonged to that group, as we all know, for a long time. I have been ashamed of them of late.

You know, Mr. Deputy Speaker, this business of principles and politics never ceases to amaze me. Bill No. 105, by removing the rights of a duly constituted political party in

this House, is not unlike, with respect to principles, the debate that carried on in this House during 1976, when a bill was brought in by the opposition Liberals to raise the drinking age, the age of majority, from 18 to 19. It eventually died on the order paper and that's politics. The government brought it in and that's fine. That's the system and I support it.

The Government of Saskatchewan saw fit to bring in a bill to increase the age of majority and frankly, Mr. Deputy Speaker, I am paralleling this to Bill No. 105 with respect to principle.

Personally, the member for Swift Current didn't think he could support that bill on principle. The government of this province saw fit, ordered, I presume, by the majority of the House or it wouldn't have passed, to lower the age of majority from 21 to 18. I think the bill was aimed at the drinking age obviously, but anyone 18 was considered an adult, and to this day still is with respect to drinking. He can be drafted or conscripted into the army. He can die for his country, sign legal contracts, become a husband. For all intents and purposes, he's an adult.

I felt personally that I couldn't support that bill raising the drinking age. However, the argument was brought out and I for one, even to this day, am a naive politician. I tell you this aside, that the U.S. Congressional system does work this way. This system doesn't with these caucuses because nobody wants to break away from the caucus to think for themselves. Anyway, I felt, Mr. Deputy Speaker, that on principle alone, I should support it. If a man is 18 and he's an adult he should have the right to drink with his 19-year-old buddies. However, I was naive if that's the word. It was said that when there were 21-year-olds drinking that the underage drinkers, 17, 18, and 19, were breaking the law and drinking. When the 18-year-olds began to drink then the 14, 15 and 16-year-olds were breaking the law and drinking. That was a deep concern. It was suggested at the time that maybe we should make it difficult for those younger people to drink by introducing legislation to either close the bar down if they caught someone underage drinking, or lock up the father for the night if his underage son was in the bar drinking.

However, Mr. Deputy Speaker, I was concerned whether this bill was based on principles of democracy and of rights of the minority. I did as most members do periodically and sent a survey to my constituency. I had about a 14 per cent or 15 per cent return, which is a little better than normal, I understand; 89 per cent of my constituents said yes, support the bill. We want to see it raised to 19 years old. I supported the bill.

Now where do you draw the line? I ask all members, where do you draw the line between politics and principle? Do you listen to the wishes of 89 per cent of 12 per cent of your constituents who want to see the bill raised? I believe most members do because they are protecting their seats. They are protecting themselves. They are protecting their jobs. Or do you stand in this legislature and fight a bill, as we are with Bill No. 105, because you believe in principle it's wrong?

You know what I find intriguing about this legislature and this bill? The member for Nipawin has tried to adjourn time and time again. The member for Swift Current attempted to adjourn tonight because we had the most vocal members of the official opposition wishing, wanting and begging to get into debate. We have had members on that side of the House, wishing, begging and wanting to get into debate. All we do is get it from the seats, from the chairs.

AN HON. MEMBER: — You can sit down now. If you were closing debate, you wouldn't get in, would you?

MR. HAM: — I would be glad to sit down, if I had the opportunity to get back up. The member for Nipawin asked for the kindness and courtesy to stand up and rebut. This is normally given to speakers of the Assembly. This year there was no occasion that a speaker was not allowed to adjourn debate until the member for Nipawin was up. . . . (inaudible interjection) . . . O.K. I'll concede I can't remember them all — on one occasion possibly but surely not seven or eight occasions.

AN HON. MEMBER: — Whom is he talking about? There was none.

MR. HAM: — In every instance of a democratic request by a member . . .

AN HON. MEMBER: — It's illegal after that.

MR. HAM: — It's common courtesy to adjourn debate and let in some of the members of this Assembly who seem to be so hell-bent (I better retract that I guess) on getting involved. Tonight before I stand up, the member for Biggar was ready to close debate. It's little wonder that the people of this country and most democratic countries, if they are going to survive . . . I think politicians are particularly full of hot air . . . (inaudible interjection) . . . As a matter of fact, in response to the debater from his chair — you have had opportunity. You are not going to get up now. You have had lots of opportunity. You should perhaps subscribe to the Swift Current Sun. . . . (inaudible interjection) . . . If I could believe that I might sit down but I can't believe it any more.

I mentioned earlier, Mr. Deputy Speaker, that I was naive with respect to politics. I thought we could influence each other in this place. I'm not any more. I don't think there's any hope. It has been said before that democracy is failing. I read a quote from this book. I don't know that there's much hope left for democracy. I tell you I'm sincere when I say that. . . . (inaudible interjection) . . . Yes, that's right; when a member's will and a member's right to his thoughts and association by law are being stepped on by a majority, you are absolutely and totally right. I can't understand it for the life of me.

The member for Nipawin and I had supper tonight and we really thought there might have been a few people over there who understood. I don't profess to be very intelligent but I tell you I can't understand why some of you people can't at least opt for an adjournment. You are so concerned about getting this bill through. I'm going to answer the question you asked earlier; I'm going to answer two questions now. You should subscribe to the Swift Current Sun. They've had editorials, as have other papers, saying you're wrong. I've had people phoning me saying, I don't agree with your Unionest cause; I don't agree with what you and Collver are saying, but we don't agree with what the government is trying to do to you.

We've been fighting the bill and still are; the money doesn't count; the money doesn't mean a thing. We've already eliminated the money part of it. Obviously we can't give away the research grant and, I think, as members of the Assembly, we are entitled to that. It's not the money . . . (inaudible interjection) . . . That's very true. The government does it all the time. I agree with you.

Mr. Deputy Speaker, with respect to failing democracy, I would like to read a few more recent quotes from some famous world figures, this one from Konrad Adenauer, Germany:

God, in creating man, has hit upon a very poor compromise. If he had made man more intelligent he would have known how to behave. If he had made him less intelligent, he would have been easier to govern.

Perhaps some of you people had better remember that. One from another famous American, John Adams, in a letter to Jonathan Jackson:

There is nothing I dread so much as the division of the Republic into two great parties, each arranged under its leader . . . This, in my humble apprehension, is to be dreaded as the greatest political evil under our Constitution.

That was quoted in 1780.

Willy Brandt from West Germany, and all of these Mr. Deputy Speaker, are relevant to Bill No. 105, the failure of democracy:

Western Europe has only 20 or 30 years of democracy left in it. After that it will slide, engineless and rudderless, under the surrounding sea of dictatorship, and whether the dictation comes from a Politburo or a junta will not make that much difference.

And I don't think, Mr. Deputy Speaker, that we are too far in Saskatchewan from either a dictatorship or a junta. I'm not saying in five years or ten years but it's a step in that direction. This bill is a step in that direction, believe me. I don't want my children to live under that kind of a system. You may delude yourselves all you want . . . (inaudible interjection) . . . It's not the money. It's obviously not the money. It's not the members because they're going to go, but let's get rid of them a little quicker.

James Buchanan:

Next in importance to the maintenance of the Constitution and the Union (not Unionest), is the duty of preserving the Government free from the taint or even the suspicion of corruption. Public virtue is the vital spirit of republics and history proves that when this has decayed and the love of money has usurped its place, although the forms of the government may remain for a season, the substance has departed forever.

Pardon my lack of French pronunciation, Mr. Deputy Speaker, but I presume this fellow is French, Alexis de Tocqueville, quoting democracy:

The manufacturing aristocracy, which is growing up under our eyes, is one of the harshest that ever existed in world. The friends of democracy should keep their eyes anxiously fixed in this direction; for if ever a permanent inequality of conditions and aristocracy again penetrates into the world, it may be predicted that this is the gate which they will enter.

And finally one from Dwight D. Eisenhower:

In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought.

And I tell you, Mr. Deputy Speaker, that government believes the people are seeking to have this brought in and they are wrong. Most definitely there is some support out there for it but it's waning; the initial impact is waning. People are starting to understand that this bill is wrong. It's an attack on the very thing that those people left who came to this province as immigrants years ago.

The potential for the disastrous rise of misplaced power exists and will persist.

There are pages and pages of well-known world figures and politicians who have been fairly successful in their fields of endeavour throughout the world.

AN HON. MEMBER: — You'll never be in that category.

MR. HAM: — I don't think I will either. And I don't think the Minister of Telephones will ever make it either, for that matter. He may get the flashiest suit award, but he sure won't make it in the famous politician bracket. I don't think anybody in this House is going to make it, quite frankly. I really feel, Mr. Deputy Speaker, that the Premier of this province (and they do a super job of protecting him, I'll give you credit for that. I give the government real credit for that; he's Mr. White Knight on his white horse and with his white flag) is going to be hurt by this bill. . . . (inaudible interjection) . . . That's another little chink in his armour.

You know, Mr. Deputy Speaker, no one is infallible. If you walk the tight rope long enough, you're going to fall off. I've done it, and everybody else is going to do it. I'm sure it's going to happen to the hon. member for Regina Elphinstone and others. I'm not going to stand here to suggest to you people that tomorrow you're going to fall.

I predict, Mr. Deputy Speaker, that unless there's a scandal, and there might be (and this is for the benefit of my few friends here, if I have any, to my right) or if there's a major economic disaster in Saskatchewan, a major crop failure plus maybe a loss of potash and uranium sales, or a disaster in the country, or you become so pig-headed and power hungry that you turn onto yourselves, and that could happen too, that your government will be in power for a long time. It's unfortunate. You know, some of you were in opposition. It's the opposition's responsibility to point out your weaknesses and your faults. And, unfortunately in our British democratic system, the system gets to be so political that you can't believe half of what's said half of the time. It goes in both directions . . . (inaudible interjection) . . . Well, Mr. Deputy Speaker, I'm not afraid to stand here and say I have weaknesses. I can tell you that's a lot more than some other members of this House are willing to stand up and say.

I think probably, Mr. Deputy Speaker, I should continue reading some of these famous quotes. They're extremely interesting and perhaps one or two members may take them to heart and perhaps some day they might do some good. Because if the member for Swift Current isn't going to be around here after the next election, if the member for Nipawin has already indicated his intentions, maybe this will do some good. I don't think I'm going to leave a famous statement, or a statement that members will remember or that will affect the future. But maybe these well-known politicians and world figures that I believe have some intelligence and foresight will; maybe not with respect to this bill, but whether it's two years down the road or five years down the road or ten years from now, their statements may have some effect on legislation similar to Bill No. 105, and then members may have second thoughts. I doubt that, but they

might. This is from Mahatma Ghandi:

Our tyranny, if we impose our will on others, will be infinitely worse than that of a handful of Englishmen who form the bureaucracy. Theirs is a terrorism imposed by a minority struggling to exist in the midst of opposition.

That's Mahatma Ghandi. It sounds similar to Bill No. 105.

Ours will be a terrorism imposed by a majority and therefore worse and really more godless than the first . . . (inaudible interjection) . . .

I'd like to answer that member, Mr. Deputy Speaker. I don't know if they had a law at that time that recognized political parties. This government has a law on the books that recognizes two or more members as a political party. You passed it.

We must therefore eliminate compulsion in any shape from our struggle. If we are only a handful holding freely to the doctrine of non co-operation, we may have to die in the attempt to convert others to our view, but we shall have truly defended and represented our cause. If however, we enlist under our banner men by force, we shall deny our cause and God and if we seem to succeed for the moment, we shall have succeeded in establishing a worse terror.

I think that speaks for itself in relation to Bill No. 105, Mr. Deputy Speaker. Elbridge (?), Gerry – I have no idea who he was but he is in this book, *The Decline of Democracy*, and I suspect he is well-known. Maybe some of the members across the way know of him. Perhaps the member for Regina Wascana would know of this gentleman . . . (inaudible interjection) . . . I realize that.

The evils we experience flow from the excess of democracy. The people do not want virtue, but are dupes of pretended patriots. (Alexander Hamilton.)

Well, in answer to the member again, we had no control over adjourned debates; we tried to adjourn debate a long time ago.

Give all power to a few and they will oppress the many. Give all power to the many and they will oppress the few.

I have to repeat that, Mr. Deputy Speaker, and I hope the members of the Conservative Party take that one to heart. This if anything is the nub of Bill No. 105. 'Give all power to the few and they will oppress the many. Give all power to the many and they will oppress the few.'

It has been observed that a pure democracy, if it were practicable, would be the most perfect government be. Experience has proved that no position is more false than this. The ancient democracies, in which people themselves deliberated, never possessed one feature of good government. Their very character was tyranny; their figure deformity.

Mr. Deputy Speaker, that was written by Alexander Hamilton. And we have one here by Klemens Metternich. Again I wish we had our historian here; maybe he could inform us as to who these gentlemen are. This one I think is also a shining example of what Bill No. 105 is emulating and it says:

Ten million ignorances do not constitute one knowledge

I checked and we only have 43 in this House. There may be some others too, but 43 for sure. And I quote, Mr. Deputy Speaker, from Daniel Patrick Moynihan; I think you've heard of him.

Democracies are becoming a recessive form of government, like monarchies used to be
...

The king and queen used to decree as does now the NDP cabinet. We're going to decree Bill No. 105; we're going to decree the Unionest Party; we're going to decree the funds; we're going to wipe all that out. We don't like what you say; we're going to eliminate you. Daniel Patrick Moynihan:

Democracies are becoming a recessive form of government, (this fellow wrote in 1975) like monarchies used to be – something the world is moving from rather than to. We've taken enough punishment lately to wake ourselves up and realize we may be in trouble.

That wasn't Dennis Ham, the member for Swift Current, that was Daniel Moynihan, a man with a certain amount of credence and education and success in the world of politics. Here is one you may really appreciate because I think Bill No. 105 obviously (as we've been saying) is repressive legislation. I don't want to go so far as to say that this particular gentleman represents this kind of thinking but this is a repressive leader in the world, and I know I've heard of this fellow. I'm sure most of the members in the House have heard of this gentleman. He ended up hanging around; his name is Benito Mussolini:

Democracy is a kingless regime infested by many kings who are sometimes more exclusive, tyrannical and destructive than one, if he be a tyrant.

That was in Rome in 1926, for the member for Kindersley. In 1928 in the New York Times, he was quoted as saying:

Democracy is talking itself to death.

How about that? The people do not know what is best for them. I think I know a government that thinks like that – the people do not know what is best for them.

The Government of Saskatchewan, since I have been here (1975), has indicated to me, and Bill No. 105 is indicative, that government knows better what is good for us than we know ourselves. Let's make a decision for the people. They're not bright enough, or intelligent enough; they don't have the wherewithal to make decisions on their own. He goes on to say there is too much foolishness and too much lost motion. That runs very, very close to Bill No. 105, Mr. Speaker. Let's not give them a chance to adjourn debate. Let's not get up and speak when we have the opportunity. Let's just taunt them. Let's just force them to keep speaking until they fall. There is too much foolishness and too much lost motion.

Dictators, through time, and kings and leaders of tyranny have said, as do many socialist governments, democracy is too slow. It's inefficient. We don't like to have criticism dumped on us. We'd like to process the bill, in this case Bill No. 105; let's get it

through. I'm really disappointed. I'm disappointed since the day we asked the Attorney General to bring in closure. I can't understand why you people haven't done that yet. I hope you bring it in tomorrow. I invite you to bring it in tomorrow. In fact, I challenge you to bring it in tomorrow. I can't understand why you don't because it identically parallels Bill No. 105.

But, you see, that goes a little too far. That goes just a little too far. I hit some nerves that time, didn't I. You see, Bill No. 105 may be acceptable to some of your people. You might be able to explain that away by saying, we're not stopping freedom of speech. Obviously, I'm speaking. We're not stopping their freedom of speech. We can't spend taxpayers' money on a group which wants to break up the country. You can explain all that to them. You can go out and tell them that. But how do you explain closure to them?

AN HON. MEMBER: — You're doing a great job.

MR. HAM: — I know. My mother said the same thing. I have another one, Mr. Deputy Speaker, which is relevant to Bill No. 105; I'm not sure I can pronounce this fellow's first name. This is another Nehru, Jah. . . . We'll forget that. Nehru, anyway. His name is in the quote, too, so I have to do it again.

Men like Jawaharlal, with all their capacity for great and good work, are unsafe in democracy. He calls himself a democrat and a socialist and no doubt he does so in all earnestness but every psychologist knows that the mind is ultimately a slave to the heart (I'm not so sure about that one) and that logic can always be made to fit with the desires and irrepressible urges of man. A little twist and Jawaharlal might turn a dictator.

A little twist and Nehru might turn a dictator. A little twist like Bill No. 105 is just a little step further in control over opposition. We just eliminate the people we don't like, the people who say things we don't like to hear. We'll just chink away and eliminate, and get anti-nukes in here throwing papers down and throwing banners down. We'll get strikers out there calling the Lieutenant-Governor down and hooting at him when they're playing the national anthem. That kind of thing never happened before.

AN HON. MEMBER: — That never happens in the States?

MR. HAM: — Well, I could debate with the member on that any time he wants, but on Bill No. 105 I can't do that. I'd love to talk to you privately; or if you'll allow me, I'll go ahead now. . . . (inaudible interjection) . . . You're right; that kind of thing happens. They do have some problems with democracy there, but the people believe their system is functioning. We don't for the most part, believe our system is functioning and all you members know this. It is no use trying to kid ourselves. You members know in your constituencies that many — not just a few — people have some very serious facetious, critical and cutting comments to make about Quebec. There are a lot of people in this province who would sooner see Quebec float away. I get into a problem in some parts of the country when making this statement, but I heard it many times over. With all respect, Mr. Deputy Speaker, I am answering a member over there. If there were 50 French Canadians held hostage in Tehran, a lot of westerners would say, leave them there. I say that's a terrible attitude to have.

MR. DEPUTY SPEAKER: — Order. I would like to draw to the attention of the hon. member that on a number of occasions he has been out of order. Just when I was at the point of bringing him back to order he went to another topic which was similarly out of

order. It takes me a while to catch up to you to find out that you are out of order again. But I think you are out of order for sure talking about French Canadians, Quebec, etc. I would ask you to keep your remarks on Bill No. 105.

MR. HAM: — Thank you, Mr. Deputy Speaker. I will refrain from debating with members from their seats. Perhaps the member for Shaunavon and I can drive back southwest sometime and I'll try to convert him. . . . (inaudible interjection) . . . Mr. Deputy Speaker, there we go again. I am quite willing to accept that Bill No. 105 is not going to have any effect on the member for Swift Current or the member for Nipawin in any political way. That's what is so ironic about the introduction of Bill 105. It is absolutely meaningless that for the next two years the two members of the Unionest Party are not going to be able to have the research staff or secretaries they require. It is unbelievable. We will continue, if you will excuse my French. Again, I have a quote here from Jean-Jacques Rousseau (maybe a distant relation of the member for Regina South). I can't do it in French. It's a statement from 1762, but it has some relevance to Bill 105.

If there were a nation of gods they would be governed democratically (we sure don't have a nation of gods, far from that), but so perfect a government is not suitable to man.

I guess it was Disraeli who said that democracy was the worst form of government ever devised by mankind. This is one for myself.

Unfortunately, as I have said earlier, Mr. Deputy Speaker, this continuance of pressure on Bill 105 is another gouge, another weakening, another dig at the foundation of our democratic process.

I have one here from George Bernard Shaw. 'Democracy substitutes election by the incompetent many for appointment by the corrupt few.' I guess we won't have to say any more about that.

We will finish this particular reference with a final quote from a famous American by the name of George Washington. Perhaps I should suggest if we had had politicians introducing bills such as Bill 105, and changing rules retroactively over the past 500 years, we wouldn't have had a CCF-NDP. I don't think we would have had a democracy today, quite frankly. That's what I have been trying to allude to.

It's easy to laugh it off now, write it off and not worry about it. But it is going to come back to haunt everybody, including my offspring and theirs. If the likes of John A. Macdonald and Wilfred Laurier and George Washington had not taken a stand to break the colonies away from Britain, we wouldn't have a country; we wouldn't be here. If we had politicians who were only concerned about their own political future, we wouldn't have the system we have. We have had many men with integrity over a period of time, who believed in their principles and stood up for what they believed in.

George Washington said, 'There is an opinion that parties in free countries are useful checks upon the administration of government . . .' Ha! That's the way the system is supposed to function and I believe maybe it did at one time. But I have witnessed only three or four instances in five years where it has had any effect here. ' . . . and serve to keep alive the spirit of liberty.' If anything has been introduced in this legislature in the five years I have been here that is not going to keep alive the spirit of liberty, it has to be Bill 105.

This within certain limits is probably true; and in governments of the monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of the party, but in those of popular character in governments purely elective, it is spirit not to be encouraged. They (meaning all the parts of the country combined) will avoid the necessity of those overgrown military establishments which, under any form of government, are innocuous to liberty and which are to be regarded as particularly hostile to republican liberty.

Mr. Speaker, I most likely will refer to this book at a later date. It's filled with all kinds of relevant information which parallels Bill No. 105 and would bring the attention of the members to the terrible mistake they are making.

I should perhaps just read a few of the titles of the chapters here which are relevant: Images of Democracy, Democracy as a Philosophy, en, Institutions and Beliefs, Modern Works of Democracy, Charter Documents of Democracy.

During the course of my debate on Bill No. 105, I intend to introduce an amendment to the motion which will read:

That all 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 . . . the rights of the Unionest Party in this legislature, even though the Unionest Party has complied with all the laws of the province of Saskatchewan, pertaining to political parties;
7. The principle of the bill is contrary to the accepted principles of natural justice by which citizens can expect to rely on laws passed by this legislature, and not to 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 the tyranny of the majority may never be used to thwart the rights of the 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 precedents of legislatures in other free societies;

11. The principle of the bill is contrary to the rights of individual members of the legislature to associate freely, and could be used as a precedent to remove the rights of all opposition to government actions;

12. The principle of the bill is contrary to the tradition that once a member is elected, the member owes his primary motivations to all of his constituents, not just those in the party under whose banner the member was elected, since it recognizes party as a criterion for full membership in the Assembly.

AN HON. MEMBER: — Who said that?

MR. HAM: — I just did. I will be moving that at the conclusion of my remarks.

Mr. Deputy Speaker, with respect to Bill No. 105, I have some similar documentation which I would like to refer to during my remarks. This is a publication entitled, *Philosophy of Democratic Government*, written by (excuse my French for the third time) Yves R. Simon. The chapter I am going to refer to is titled, *The Violation of the Common Good*. I think I have to emphasize, Mr. Deputy Speaker, the members of the government have failed to realize they are not just attacking members of a particular party, or members who have a philosophy they don't happen to agree with, or they are doing it because it is a popular political cause at the moment or for whatever reasons, it doesn't matter. It is not relevant. They fail to realize this bill's ramifications and the effects on every member of this Chamber, will not cease and desist the moment the bill is passed. It is going to haunt, not just members of this legislature, because they would be gone, most likely by retirement, death or defeat or whatever, it is going to affect generations down the road.

The problem of united action is relative to needs. Now, it is perfectly evident that all operations concerning means are conditioned and sustained by more basic operations, i.e. the violation and intention of the end.

I perceive and believe that Bill No. 105 is in violation of human rights. It is a violation of the right of an association as a political party by laws which were passed by this legislature within the last 12 or 15 months. It is a violation with the intention of obviously ending, or ceasing or desisting a group; halting a group they don't happen to support, or feel they shouldn't.

Associates may unify their action by way of authority.

I guess that is pretty obvious, by way of authority. The majority has already indicated it is going to pass the bill no matter.

Or have to content themselves with the risky procedures of unanimity. Clearly, there would be no action to be unified if these men had not

determined that a certain object should have, for all of them, the character of an end to be pursued through common action.

Common action we have on Bill No. 105. We have members to my right voting with members of the government not to allow an adjourned debate.

Thus, beyond the problem of united action (and we have obvious united action), we have to inquire into a more profound issue.

This may develop into probably the most relevant book which I use, Mr. Deputy Speaker. It is spelling out very clearly to this point, its considerations for the members.

We have to inquire into a more profound issue, i.e. that of the very intention of the common good.

And members obviously, on that side of the House, have convinced themselves they are passing Bill No. 105 for the common good. That has to be the ultimate hypocrisy. I would like. . . . (inaudible interjection) . . . I told you I wanted to. The member for Nipawin and the member for Swift Current encouraged you to get into the debate. We wanted to adjourn debate. I would like to hear members on that side of the House, because we haven't heard anybody. The member who introduced the bill never explained it. How, for goodness sakes, is that designed for the common good when it was, first of all, an attack on the funds (and the funds are not an issue any more)? It was an attack on the members. We keep hearing, it doesn't matter; the members aren't going to be here any longer anyway after the next election. How can one explain it is being done for the common good? It is just not believable, Mr. Deputy Speaker.

We know that authority is necessary under definite conditions.

There is no denying the fact, Mr. Deputy Speaker, we have to have authority and law. We have to have law. We have a law and you are trying to amend it retroactively. I best repeat that because it leads to another statement here which is quite relevant.

We know that authority is necessary (I hope not authority of tyranny, which appears to be the basis of Bill No. 105) under definite conditions for the proper working of the means.

The next question is whether the proper intention of the common good requires the operation of authority. And again, that's what this debate is all about, Mr. Deputy Speaker. Not only was the bill introduced, not only is it to be debated in here, where one might just as well speak to the wall and attempt to change its color, but also it has been spelled out in no uncertain terms by the Attorney General that it's going to pass. What's relevant about the debate? Maybe, just maybe we will instil, not in the members of the legislature obviously, because it hasn't done any good . . . The member for Nipawin has spoken on deaf ears for the most part. Either that or we don't . . . (inaudible interjection) . . . You don't hear that? O.K. I'll speak a little louder for the retired minister of telephones.

If we were concerned with a society including stupid or vicious members (you might want to call me stupid but I don't consider myself really vicious) the answer would be so plain as to make the statement of the question superfluous. Did you get that?

People lacking good will or understanding obviously have to be directed

toward the common good.

Be directed toward a common good . . . you don't pass a bill to force people to common good, be it Bill No. 105 or any other piece of legislation.

They even have to be compelled not to harm the common good and to serve it positively.

That's what laws are all about, Mr. Deputy Speaker; that's what The Legislative Assembly and Executive Council Act, which was passed in the last 12 or 15 months to recognize two individuals as constituting a party . . . And if we were Liberals, if the member for Nipawin and the member for Swift Current tomorrow morning said to the press, come into our office; we're having a press conference; we're going to declare ourselves as Liberals today, what would happen to Bill No. 105 then? The government would be happy. I don't think the Leader of the Liberal Party would be very happy. As a matter of fact, when he was here the other day he called me back to joke about the stupidity of this piece of legislation. If we came in here as Liberals we would qualify. It would be very interesting if we decided to do that. I'd like to see the reaction of the government. We'd qualify – no problem.

AN HON. MEMBER: — The Liberals wouldn't have you.

MR. HAM: — They would have no choice. We could declare ourselves as Liberals and sit in this House and we would be Liberals. Actually, for the sake of the member, since he's arguing what we're discussing about Bill No. 105, along with another member who wanted to get into the debate in an excited way and wouldn't allow us to adjourn, we have already investigated and we could sit as Liberals in this House. And it would be very interesting to walk in tomorrow to find out how Bill No. 105 would be affected by two members of the Liberal Party sitting here.

It would be even more interesting, Mr. Deputy Speaker, to see how Bill No. 105 would be affected if the member for Nipawin and the member for Swift Current became – I wouldn't say Marxist-Leninists, but some members over there may accept us as Marxist-Leninists – say, a new branch of the NDP: the Saskatchewan Socialist Party or something. And I don't think we'd have quite the same reaction as we have now. Or if we decided, because Bill No. 105 has been introduced because of our suggestion to seek union with a country that's working, to drop that portion and just become Western Separatists, I would venture a guess that we wouldn't have a problem. You know we wouldn't have a problem because you know we'd have support out there. And you wouldn't dare to do it to us. You wouldn't dare pass a bill like this. That's just another indication of the stupidity of this bill. I just really can't understand . . . (inaudible interjection) . . . I think most members of this Chamber have a reasonable level of intelligence and I just really, for the most part, Mr. Deputy Speaker, can't understand how they accept Bill No. 105, because the day may come. I explained earlier, I expect your party to be in power a long time. I'm not supporting you; I don't support socialist causes. I don't believe in your philosophy, but I expect you to be there a long time.

But you might be over here some day and you may have a turn at a government that believes in majority control and doesn't believe in the rights of the minority. You may be over here some day and have to accept this, and I hope you fight as hard as we're going to fight. And I hope you're more successful than we're going to be.

The relevant and difficult questions concerning a society composed exclusively of good and enlightened people – at first glance the answers may seem obvious. If all these people were well intentioned (and Bill No. 105 obviously is not a well intentioned bill), they spontaneously intend the common good and do not need to be directed toward it.

Now, Mr. Deputy Speaker, the confines of this Chamber – the very fact that we have a legislative Assembly and an opposition party, is to direct through constructive and other criticisms the policies, the direction the government should take on any issue. And again, I question how well that system has worked until now. From this point forward with respect to an attack on a minority and an attack on this institution, there's going to be just a little crack in the dam now. It just created a crack in the dam and the water's trickling out, but the floodgates will open. If you spend too much time here as the government in power, with your majority, and pass bills similar to Bill No. 105 and that first step (we haven't made it easy; we don't intend to make it easy) is made, the second step will come easy, then the third and so on, and pretty soon the floodgates will be open. I hope for the sake of everyone – your families and your offspring and your grandchildren – that you come to your senses before you do this again to anybody else.

Mr. Deputy Speaker, the member for Nipawin and the member for Swift Current may be totally wrong. Bill No. 105 may be a waste of time. This country may (as I've been saying) pull up its socks and survive and become a strong nationalistic country. I hope it does; I don't believe it will. As I mentioned earlier, we have constitutional conferences which will be held over the next several months and I would venture that we won't solve the problems that are affecting the one particular province this time, to leave or to stay.

If we are right, and I expect we will be, you're going to regret passing this bill. No doubt the day may come when some of you people may want to join the cause. I tell you this; the member for Nipawin has already indicated he had set the stage, set the foundation for this party to grow or to die. I'm sure that if the Liberal Party in the '30s had decided they wouldn't support the cause of the socialists in Saskatchewan; they wouldn't support these radicals and Tommy Douglas and said, we'd better pass a law and eliminate them, there would have been thousands of people in Saskatchewan in the 1930s who would have said, they're a bunch of kooks, these socialists. We shouldn't support their cause. If you'd taken a straw poll in 1932 or 1933 (I'm not positive about the history of your party – whatever year it might have been), probably 85 per cent of the people would have said, you're a bunch of kooks; we don't have to support you. And if the Liberals had brought out a bill similar to Bill No. 105, they'd have probably said, oh definitely, cut them off. Or if there was a law that existed then, they would have said, eliminate them, retroactively if you have to. Get rid of them; we don't like what they're saying.

You don't have to like what we're saying. As I told you before, we have innumerable newspaper editors, judges and constitutional experts, people who have phoned me from Alberta, British Columbia and Ontario and said, I don't particularly support your cause; I think western separation is all right, but I don't think you should talk about joining the States; or I don't support your cause at all, but the Government of Saskatchewan shouldn't be doing this to you. It's not democratic. And I keep saying, I know. Don't argue with me; I know exactly what you're saying. It know it's not right. Phone them; tell them. But do you know what really concerns me, Mr. Speaker? . . . (inaudible interjection) . . . That's right. That may be right . . . (inaudible interjection) . . . No, I think probably the Minister of Telephones may be absolutely right, and that's

another concern I have – apathy.

AN HON. MEMBER: — That doesn't concern me.

MR. HAM: — I know. I know it doesn't concern the member. I know that's true . . . (inaudible interjection) . . . Yes, Mr. Deputy Speaker, all they are generally concerned about is protecting their own seats, keeping their jobs, keeping their cushy jobs. No, don't worry about any major democratic concerns, or don't worry about the grandchildren, or don't worry about the future. Bring in a bill like Bill No. 105 and eliminate minority rights. That's right, don't worry about what the people want. Just as long as they think like we do (that's what the socialists say) we'll decide what the common good is. Mr. Deputy Speaker, with Bill No. 105, and an attitude that this government is exhibiting, the day will come (and it's coming; it's coming right now; it may be here) when the people of this province will become well-trained house pets.

Because even today an attitude exists, like Bill No. 105, that says, I'm not worried if I get sick, I can go to the hospital, it's free; I'm not really worried if I'm out of a job because I can get unemployment insurance or I can get social welfare; I'm not concerned if I need crutches, I can go to Aids to Independent Living – dependency, day by day, year by year, in the government. Forget all the socialist programs and the social justice programs because I personally support some of those.

But you have reached the point now where you are attacking an institution, the thing that's supposed to keep this system accurate and honest and above board. It's just again another step . . .

AN HON. MEMBER: — Honest and above board.

MR. HAM: — Honest and above board. I was hoping, as I said, these members would debate from their feet, but they don't wish to. They want to debate from their chairs. The question with which we are concerned here, and it may be totally with Bill No. 105:

In respect to this information is one whose difficulty equals its profundity, it has rarely been considered in proper isolation. The proceeding discussion (I'm not a lawyer, that's true, and I don't profess to know everything) removed the risk that it should be confused with the problem of united action.

We are talking about united action, Mr. Deputy Speaker, Bill No. 105, and the Conservative opposition in united action against the minority in this legislature.

But there remains a risk of confusion with another neighboring issue. Briefly, most societies are divided into two groups of persons, i.e. those who govern and those who are governed. Now throughout the history of political literature, there is a tendency to identify the following questions: (I think Mr. Deputy Speaker will bring this into light or bring it into parallel with Bill No. 105 now), whether society needs to be governed, and whether it needs to be governed by a distinct personnel?

Well, obviously I happen to be one who subscribes to the view that the society has to be governed, the less the better. But there are many members of many legislatures (and I believe this one in particular because of Bill No. 105) that have a distinct personnel. They are distinct personnel. I suppose one shouldn't be surprised about a bill such as

Bill No. 105. I am still surprised.

The government by its very nature (the Government of Saskatchewan, the social democratic government) believes in state control of production, etc. And although I disagree with your philosophy, at least it's an honest, sincere philosophy. I can fight you, I can oppose you and I can debate with you on it, whether it's the potash takeover or Bill No. 13 or whatever the bill happens to be that we're opposing. That is what politics is all about.

AN HON. MEMBER: — You voted for Bill No. 13.

MR. HAM: — Well, the members to my right are becoming vocal in their seats. The ones who wanted to get into this debate are now deciding to get into the debate . . . (inaudible interjection) . . . The record will state clearly to the members of this legislature that, as big as I am standing here, I voted for Bill No. 13. I hope it will keep the members to my right calm for a moment or three.

I recall comments with respect to a vote that the member for Nipawin and the member for Swift Current took a month and a half ago and the wrath of the member for Moosomin about the two members voting with the reds. I'm not going to remind the members to my right about the last seven or eight days when they voted for adjournment on Bill No. 105.

As a matter of fact, the members on my right should really be on my left, the way they've been going politically these days. There are many instances of direct government of the multitude by itself. That's kind of interesting, Mr. Deputy Speaker. Maybe if we directed ourselves, we'd be better off. There wouldn't be such a thing as Bill No. 105.

Unless it is claimed arbitrarily enough that these constitute abnormalities, they would suffice to show that the essence of government is independent of these two particular modules — embodiment in a distinct personnel, embodiment in the entire multitude. Citizens of a great nation, we obey laws.

How do you obey laws; how can you expect the public to respect laws and institutions when the institution attacks itself? It's no different than, for example, the Minister of Highways bringing in the possibility of a reduced speed limit in Saskatchewan, and then being caught every weekend driving home beyond the speed limit. I'm not suggesting he's doing this but that's not setting an example.

This institution attacking itself may not mean a whole lot to the average fellows on the streets of Saskatchewan today. Bill No. 105 won't affect the members opposite or the members on this side of the House directly today. Bill No. 105 won't cause the member for Nipawin or the member for Swift Current to cease and desist. But I tell you that an attack on the minority by law . . . The irony is that within the last months this institution debated, studied and agreed that we should have The Executive Council and Legislative Assembly Act where two members can sit or become a party. The Premier now stated in Lethbridge that it has to be the Liberals or they are not going to be a party. I can understand why the Premier would make comments about wanting the Liberal Party back in here and why Bill No. 105 was brought in here. I sat here beside the Liberal Party and I can understand why he wants them back. As a matter of fact, I now sit beside the Conservative Party and I regret to say, I don't see a lot of difference.

SOME HON. MEMBERS: Hear, hear!

MR. HAM: — As I said before,

Citizens of a great nation, we obey laws made by a small body of elected legislators.

Well, that is not quite accurate in this instance. We have a large body of legislators which has decided retroactively, because it doesn't agree with a philosophy put forward by two members of this House, to eliminate our right to be a party unless we decide to step in here and become members of Ted Malone's group. That would create quite an interesting situation . . . (inaudible interjection) . . . Well, Paul, what I was going to do for the member for Regina South, was to pass the book over. So, Mr. Deputy Speaker, as I said before:

As citizens of a great nation we obey laws made by a small body of elected legislators, but members of the New England community were no less governed by the regulations that the whole community issued in its own town meetings.

This is, I think, when the roots of democracy were seeded. The roots of democracy are now being cut by Bill No. 105.

The constitution of a district governing personnel has to do with that of an authority, not with its functions on the ground that it's necessity. How the confusion takes place is easy to grasp.

Mr. Speaker, I didn't think there would be any confusion about Bill No. 105 though. I have never heard anyone explain a bill in so much detail, so profoundly and so intelligently as the member for Nipawin has over the last several days. I thought surely some members, I didn't expect all, would rise above the caucus, rise above the will to stay in power, the will to keep their seats, and be willing to do some good for a change. Let's not let them attack the roots of democracy.

Wonder is aroused by the power the few claim to have over the many.

And there is little doubt, by that description, that we have a government that has decided in a retroactive manner to bring its will, because some constituents are saying — there is no question about that, although not so much now as they did before — we have to eliminate those two. Cut them off. Get rid of them. We don't want to hear them anymore.

You know, Mr. Speaker, as I said before, I, for one, and the member for Nipawin for another, would be extremely happy if Canada survives as a nation and becomes a strong, nationalistic, patriotic country. The fact is, Mr. Speaker, Bill No. 105 won't stop us from espousing our cause. But I tell you we have some people reacting to our cause. I use this as a personal observation. I view Canada as a person dying of a broken or a failing heart. I have said to people, look, you have a heart problem and I have an option for you to consider. The sad thing is this person is reacting and coming back to me and saying, oh, don't tell me about the option, I don't want to even hear about the heart.

If this country survives — it may not because of bills like Bill No. 105 — I think the member for Nipawin and the member for Swift Current can take some credit for it. I have

not seen so many Canadian flags hanging as I have seen in the last three months. I have never seen so many letters . . .

MR. DEPUTY SPEAKER: — Order! Your remarks are certainly interesting. I'm having a lot of trouble relating them to the bill that we have before us which is Bill No. 105, and I would ask you to confine your remarks to the principle of Bill No. 105.

MR. HAM: — Thank you, Mr. Deputy Speaker, I will. I'm just a young 39 year old and I have been more than patriotic to my country and many of the attributes we have had so that I get carried away and I tell you this . . . Well, I'd better get back to the principle of the bill here.

This power, referring to the power of the majority government, if justifiable at all, should be justified by the requirements of the common welfare.

And I tell you, Mr. Speaker, it has been made eminently clear by the member for Nipawin, this bill is not based on common welfare. It is not for the member for Nipawin's future or for my future that we're fighting this bill.

AN HON. MEMBER: — Who's it for?

MR. HAM: — The members of this Assembly may remember the day I made my declaration with respect to leaving the PC caucus to sit here. I was concerned about future generations. And if the member for Regina South had been here earlier, he'd know that there's a difference between statesmen and politicians. If Bill No. 105 is exemplified, Bill No. 105 is obviously a key to the hand-in-glove between these two sides of the House, for the protection of their future involvement in politics.

There are instances in which the entire population is such a body, but in most cases, and in the most impressive and best known cases, the public persons in charge of the common good are of necessity specialized, as it were, in pursuit of the good which is not special or private, but common.

Mr. Deputy Speaker, there is little question we have to have specialized people, but when those specialized people, be they cabinet ministers or bureaucrats, decide we don't like what these two gentlemen are espousing; it may be to our political advantage to bring in a bill; we'll push them aside and we can maybe gain ourselves a little support; they are wrong. As stated by the member for Nipawin on so many occasions, there were other ways to bring in a bill such as Bill No. 105. If it was only the money you were concerned about you could have handled it effectively.

Rather than handling it in a democratic fashion, meeting with the leader of the Unionest Party and deciding it was fair and reasonable — forget the meeting. As stated today, it has cost the taxpayers of Saskatchewan more money in the last several days than the grant to the party for the next two years. And it sure as heck wasn't the fault of the Unionest Party. We have attempted on every occasion to adjourn Bill No. 105 and the Government of Saskatchewan and the official opposition decided that they would sooner listen to the sweet eloquent words of the member for Swift Current and the member for Nipawin, so eat your hearts out.

Thus in most cases, and in the best known of them, the body of public persons called for by the common good is determined distinctly by government personnel.

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You have it, Mr. Deputy Speaker, Bill No. 105 was distinctly brought in by government personnel. Members of the Assembly had ample opportunity to debate Bill No. 105 . . . (inaudible interjection) . . . I am reaching a point now, Mr. Deputy Speaker, if I hadn't before. I don't think you can believe anything called from the chairs. If they were serious, they've had several days to debate Bill No. 105, and obviously none of them is serious. They just want to ram it through retroactively and go home and forget that it ever happened, but unfortunately it's going to come back to haunt them some day.

The group I'm most concerned about, and I shouldn't be, is this one. . . . (inaudible interjection) . . . It's becoming less and less of a worry.

The posturing of government and the posturing of distinct government personnel are emphatic on different grounds. Further the operation of a distinct governing personnel implies an element of paradox which will be fallaciously dealt with by letting it resolve into the more fundamental issue of governing itself, if we manage to ignore its special difficulties.

Mr. Deputy Speaker, I see it's nearing 10 o'clock.

The Assembly adjourned at 10 p.m.