

racist speeches by Mr. Knutson, and inflated membership claims.

Sceptical reporters wondered last week, in fact, just how valuable West-Fed's endorsement might be to the WCC party. They suspected that: (a) membership figures might not be so high as the 20,000 the association still claims across

the West; and (b) the most active members had likely already crossed over.

The reaction of the Alberta WCC party, which had not been informed in advance of the West-Fed announcement, was predictably a bit gun-shy. "We have to be pleased with this news," was the careful comment of WCC Leader Maygard, just

back from Saskatchewan. It was true that the party had already been considerably strengthened by West-Fed members, he added. Nevertheless, he thought that there was "a hard-core group" which without release would never have made the move.

Virginia Byfield

That was no lie, says lawyer Gorman

The source of the WCC's property rights plank fires back at her critics

Commenting on the election of the Western Canada Concept party's Gordon Kesler as Alberta's first separatist MLA, Premier Peter Lougheed declared that he was particularly disturbed by one aspect of the Kesler campaign. The WCC had repeatedly claimed that the right to private property is endangered by the new constitution, the Canada Act, which last week awaited second reading in the British House of Lords. The Alberta government believed, he said, that its long and difficult negotiations with Ottawa had produced a triumph for the province. To hear this victory twisted to a negative in Kesler speeches was a bitter experience. In this month's throne speech, the positive note was again underlined: "The rights of Albertans will be fully protected in the new Canadian Constitution."

Campaigner Kesler had indeed told by-election voters in the farming communities of Olds-Didsbury constituency that their exclusive ownership of their land could become very dubious under the new Canadian constitution. It is a definite plank in his party's still-evolving platform, and Premier Lougheed was not the only one to react with alarm to the claim.

Alberta Attorney-General Neil Crawford said he was astounded. Ottawa constitutional experts contended that property rights will obviously be protected by Section 26 of the Canada Act. Employment Minister Lloyd Axworthy, as spokesman on western affairs for the Trudeau government, called the WCC claim a "total fabrication."

The woman who actually set off this furor was not at all abashed, however; last week she fired back with another volley of her own. Calgary civil rights law specialist Ruth Gorman says that governments both federal and provincial have good reason to fear public reaction to the Canada Act's property rights provisions—or rather, to its lack of them. Small wonder that both Edmonton and Ottawa were so anxious to scotch the one fear that she believes may defeat them

both.

Dr. Gorman considers this fear so real that, despite her avowed admiration for Peter Lougheed, she travelled Alberta last year to make 72 speeches on the subject. She also advised the WCC on the intricacies of the Canada Act as it will affect individual property ownership, a question that admittedly is neither simple nor obvious.

Ruth Gorman at 68 by no means lacks credentials for her crusade. In the 1950s



Civil rights specialist Gorman
There is reason to fear public reaction.

she won the Hobbema Case, protecting Indian reserve rights, and then was instrumental in winning the vote for reserve residents. The Stoneys named her a princess of the tribe, the Crees appointed her queen mother. She advised on Prime Minister John Diefenbaker's Canadian Bill of Rights, worked on the United Nations Charter of Human Rights, and incidentally is an officer of the Order of Canada.

To sort out all the applications of the Canada Act, particularly of its Charter of Rights, will unquestionably require years of litigation. Meanwhile, however, Dr. Gorman holds firmly to her thesis. Secure

ownership of property has been a cornerstone of democratic society since Magna Carta in Britain in 1215, she observes, continually reaffirmed in common and statute law. Canadians 27 years ago were again specifically guaranteed "enjoyment of property rights except through loss by due process of law" in the Diefenbaker Bill of Rights.

Government apologists for the Canada Act's notable omission of the subject say that it is adequately covered by Section 26: "The guarantee in this charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada." Property rights exist. Ergo, they will continue to do so.

But that recognition of "existence," Dr. Gorman counters, is no guarantee at all in view of two other Canada Act clauses farther along. One of these is Section 51 (1): "... Any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect." This means that any "right" specified in the Canada Act could override a "right" like property ownership, the existence of which is merely not denied.

Dr. Gorman contends that although "present existing" property rights would not be affected as between two individual citizens, the position of a citizen *vis a vis* government (either federal or provincial) could be very much affected. In Section 36 (1) (A) both levels of government "commit" themselves to providing "equal opportunities for the well-being of all Canadians," and Section 36 provides neither definition of nor limitation on what sort of "opportunities" some government might choose to promote. To take over use of anybody's farm or business or house or whatever, all that would be needed is a piece of legislation purporting to benefit "all Canadians." And this, unlike the citizens' property right whose existence is only "not denied," would be fully enforceable in law.

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