

Constitution land grab

Lawyer Gorman tells how the feds will rip off the West —

Ever since the Liberal government revealed its constitutional package last October, Calgary lawyer Ruth Gorman QC has conducted a vigorous personal campaign against the proposal, arguing that it poses fundamental threats to the rights of Canadians as individuals and to the western provinces within confederation. Last week in Edmonton Dr. Gorman detailed her concern to a meeting of the separatist organization West-Fed where she warned that "if Trudeau can force this constitution onto reluctant Canadians, he will have slammed the door shut on any real future financial progress Canadians in the West can make." The next day Energy Minister Marc Lalonde confirmed in a Southam News interview that indeed Ottawa has every intention of using the constitution to assert the "primacy" of the federal government in the area of resource control. (See story P. 2)

According to Dr. Gorman, the basic federal strategy for taking control of western wealth is evident in a combination of two sections of the resolution. The first explicitly removes any protection of individual or provincial property rights. The second, through entrenched federal powers of "equalization," provides Ottawa with a specific mechanism for transferring western wealth and/or property control elsewhere.

That western Canadians face the threat of becoming "second class citizens" in large part because of the Liberals' vaunted Charter of Rights and Freedoms is an irony which particularly annoys the feisty 67-year-old. Indeed her criticisms are based on a remarkable background of work in the rights field. An adviser to Prime Minister John Diefenbaker in the writing of the Canadian Charter of Rights and to the United Nations in drawing up its Charter of Human Rights, she played a key role in helping to enfranchise this country's native people. Dr. Gorman is an honorary chief of the Stoney and Cree Indians and an officer of the Order of Canada. She

declined a seat in the Canadian Senate because she considered it a futile job compared to her rights work and family responsibilities.

According to Dr. Gorman, the most vital loss in the Trudeau resolution is the abolition of individual property rights — a fundamental cornerstone of democratic society which has been part of written law since the signing of the Magna Carta in 1215, since reaffirmed by the courts through other statutes and common law. The Diefenbaker Charter of Rights specifically guarantees individuals a right to the "enjoyment of property rights except through loss by due process of law." That protection is now wiped out by what Dr. Gorman describes as the "trick" Section 25 of the Liberals' resolution. It says "the constitution of Canada

is the supreme law of Canada and any law that is inconsistent with the provisions of the constitution is, to the extent of that inconsistency, of no force or effect." Since there is no guarantee of property rights elsewhere, says Dr. Gorman, this provision can ultimately be used to overrule any existing property protection laws as inconsistent and thus "legalize the robbery slowly and whenever necessary"



Opponent Gorman
Legalized robbery.

of the West's land — and the resources above and beneath it.

Nevertheless, Dr. Gorman points out, loss of ownership rights does not necessarily mean that property can be taken from individuals or provinces. That move is accomplished with Section 34 under the heading "Equalization and Regional Disparities." Through it the federal government is now giving itself the explicit right to take what people in one part of the country own for the purpose of "promoting equal opportunities for the well-being of Canadians" or "furthering economic development to reduce disparity of opportunities." What this means if it is enacted, says Dr. Gorman, is that "neither we (westerners) nor the provinces have any right to hang onto either the land or its revenue. We have lost them."