

Loss of important rights under a

By Dr. Ruth Gorman,
reprinted from The Calgary
Herald

(Dr. Gorman is a Calgary lawyer and
writer.)

If the new constitution becomes law,
you as an individual will have lost the
most important rights you have. They
are the rights which distinguish a
democracy from a dictatorship.

The first right is the individual's
guarantee of the enjoyment of his
property without fear of confiscation
by the government.

The second is the individual's right
to have access to courts that are
independent of government
interference, and where he can go to
get his rights protected from the
government.

The third great right is the
individual's freedom from being
imprisoned by the government for
mere political opposition.

Most countries lose these rights
when tanks rumble across their
borders; you are losing yours by a few
pages of print. The actual constitution
is only 27 pages long.

It's written in both English and
French, so the English version is only
13½ unlucky pages long.

On these few pages are outlined the
laws that will be binding on your
future, and that will deprive you of
rights you now have.

Awkward word

An individual's right to property
was first asserted in Magna Carta, and
has been steadily reaffirmed in
Canada's courts and statute law up to
now. It was reconfirmed in
Diefenbaker's Canadian Charter of
Rights, and in the United Nations
Charter of Human Rights.

The appropriate place for it in
Trudeau's constitution would have
been in Section 4(2) on page 14. There,
they copied Diefenbaker's charter
word for word until they got to
property rights, and then they just did
not put them in. Nor are they
anywhere else in the constitution.

You may think that past laws will
still guarantee your property rights.
That's wrong. Built into this
constitution is a section which makes
any law "inconsistent" with this
charter "inoperative and of no effect."
See Section 25; page 24.

Inconsistent is an awkward and
unusual word to use, but look it up. It
means contradictory or incompatible.
To have a right and to not have a right
is legally inconsistent. So your rights
under past laws that are not included
in this constitution are overridden.

Naive public

But to merely lose a right to
property does not necessarily mean
that property can then just be taken
from you, unless another person of the
government has been specifically
given the right to take what you own.

Again, hidden away in this
constitution the central government
has given itself that right to do what it
pleases under the so-called
"equalization" provision.

Equalization has until now been a
manner by which the provinces of
Canada shared revenue to ensure
reasonable public services to all
Canadians at approximately equal tax
levels. It is based on the provinces'
agreement and on actual proveable
facts and figures.

Now the right is to be given
exclusively to the federal government
which can redistribute provincial
revenue without the consent of
provincial legislatures. The
government does not have to prove
the necessity of doing what it does
with statistics or facts. Ottawa can
take from one province (or even
person) and give to another, including
itself, if it believes such action will
promote "equal opportunities" or
further economic development that
reduces "disparity of opportunities."

Opportunities are not a factual
proveable reality. They are just
guesses about the future. The new
constitution ought to read that
property can be "equalized" at
Ottawa's will, but that would have
alerted an unsuspecting public.

But you may well say that couldn't
happen in Canada. Elected members of
Parliament would never take rights or
property from one Canadian or one
province and give it to another. Such
thinking is dangerously naive.

Look at the last election, the 18 cent
election, as it is called. Trudeau
bought Ontario's vote by promising
the voters there cheap oil at Alberta's
expense.

In the same election, Trudeau
promised Quebecers Canada-wide
bilingualism in all the federal civil

service and Crown corporations such
as the CNR, Air Canada, and so on.

Albertans will be forced to pay the
cost of these services that they don't
even use. And it is estimated that in
Alberta alone 40,000 people could lose
their jobs if the provisions of the new
constitution laid out in Section 16
(1&2), page 20 are enforced.

Premier Davis of Ontario, a
Conservative, warned that his
province's Liberals would be upset if
those laws affected their people, so
Ontario has been given an exemption
from the bilingualism requirement.
(Claude) Ryan, Quebec's Liberal
leader, announced that Quebecers
would support Ontario's exemption
provided that they were ensured jobs
in the rest of Canada.

'Terrible situation'

The West is given no exemptions.
The central government does not need
its support as long as Ontario and
Quebec are happy.

Even now, Westerners are an
ineffective minority, lacking the voices
to protect their interests. Imagine
what will happen to the property of
yourselves, your co-ops and
companies, and, of course, your
provinces once this constitution is in
place and the guarantee of property
rights is gone. You will face a terrible
situation.

Not only property rights are omitted
from the constitution. By omission
you will also lose the ancient
democratic right of trial before courts
independent of government
interference.

Invoked closure

Since the courts' structure is not
described at all, again under Section
25 that power of control goes to the
central government.

Eventually your courts could
degenerate into tools enforcing the
government's will on you, as they do
now in Russia and China. Their power
to protect the individual will be gone.

The vital right to freedom from
political imprisonment is not gone by
omission, but is incorporated directly
in the constitution, Section 4(2) on
page 14.

The War Measures Act is made part
of the constitution. Under that
authority, if the government wishes,
you can be sent to prison for mere
political agitation. The government

THE GREAT DIVIDE ENOUGH!

Not rights under a changed constitution

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authority, if the government wishes,
you can be sent to prison for mere
political agitation. The government

doesn't even have to wait until you
make an actual treasonable move. If
they even "apprehend" insurrection,
they can act.

Apprehension is defined in
dictionaries as a state of mind, a
thought or feeling as opposed to a
reality. Apprehension could be created
by placard-carriers, strongly-voiced
political opinions or even strikes.

If you do become a political prisoner,
don't hope for a quick trial. *Habeas
corpus*, the ancient guarantee of a
quick trial, is gone and replaced by a
new law, Section 11 (b), page 18. The
government may now decide what is a
"reasonable" time to bring you to
trial.

Nor can you count on good
treatment in jail. Section 12, page 18,
forbids "cruel and unusual
treatment," but it is the government
which defines those vague terms. A
daily beating over the head is not
considered too cruel, and is certainly
not unusual in many countries.

Even if the voters become upset
over government actions, such as
arbitrary imprisonment on political
grounds, they may not be able to help
you. Section 4 (2) allows the
government to put off elections
indefinitely if two-thirds of Parliament
agrees with their "apprehension" that
there could be insurrection.

The legislation protecting women,
Indians and other minorities is
weakened, not strengthened, by this
constitution. In particular, Section 15
(2) opens the possibility of
discrimination against them.

This provision ends the principle of
equality before the law, and allows
discrimination if the government
decides a group is "disadvantaged."
An all-male Parliament might decide
that males are disadvantaged. They
alone decide, and the vagueness of the
word allows them to do what they
wish.

You can understand now why men
experienced in government but no
longer interested in politics, such as
former Alberta premier Manning and
former Conservative leader Stanfield
have tried desperately to warn you
against this constitution.

You can see why Trudeau prevented
western members of Parliament from
questioning his constitution, but
instead invoked closure of the debate,
with armed guards present.

Why change it?

You can appreciate Loughheed's
refusal to speak at the parliamentary
hearing on the constitution. Like the
others, he would be limited to
suggesting amendments, when a
democratic citizen would prefer to see
this dangerous constitution thrown
out altogether.

For 115 years we've enjoyed good
democratic government and rights.
Why should we part with this system
now?

England, Australia and New
Zealand have no entrenched
constitutions and have preserved
democracy far longer and more
effectively than most countries that
do. Dictatorships and semi-
dictatorships across Africa and Asia,
as well as Russia, have passed modern
constitutions full of fine phrases, but
their citizens are helpless nevertheless.

Trudeau is forcing his wishes on us,
trying to make the British Parliament
incorporate his ideas into a radical
amendment of the BNA Act. If the
British will not co-operate, you can
expect a referendum in Canada. We've
been told it's ready to print. Trudeau
has warned that "You will be forced to
choose."

Westerners hurt

The loss of the vital rights of
democracy will be a disaster for all
Canadians. But Western Canadians
will suffer much worse.

The threat of becoming central
Canada's colony is causing protest
meetings across the West already, and
forcing people to think about the
alternative of independence.

Our ancestors came to this country
because it was free. Our fathers,
brothers, and sons fought for that
freedom in two wars, and many died.
Westerners now must make another
stand for their freedoms.

And you must do it now. By the
amending formula incorporated in the
constitution, westerners will not be
able to change it.

Our population is too small and will
remain so for generations to come.
Your grandchildren will be saddled
with this tragic burden unless you can
stop it from becoming law in the first
place.

Read it for yourself. Talk to your
lawyer. Think about it. Get your
friends involved...Above all, care!