

PHOTO ILLUSTRATION BY VINCENT SINCLAIR

One surrender too many

Klein's capitulation on Vriend—and much else—prompts talk of an alternative conservative party

**COVER
STORY**

Premier Ralph Klein was under attack in the Legislature last Tuesday from Liberal health critic Gary Dickson over private health services. Mr. Dickson asked how many phone calls to the premier's office it takes to change government policy. Mr. Klein stood and replied: "You want to talk about phone calls. A week and a half ago we received about 3,700 a day—a day, Mr. Speaker—and a lot of those phone calls were very, very nasty. We did the right thing. If I had listened to a majority of those phone calls, we probably would have used the notwithstanding clause because that's what the majority of the people were telling us to do. But we didn't. We did the right thing, and we have accepted the reading into the human rights legislation of the right of appeal on the basis of sexual orientation."

So there it is. When the Klein government is determined to do the "right thing," public opinion is irrelevant. The nominally populist premier, whose campaign slogan in 1993

was "He listens, he cares," has been revealed in his second term as a traditional "top-down" politician. His gay rights partisanship has also revealed him to be the furthest thing imaginable from a social conservative, thus fracturing the coalition of fiscal and social conservatives that won him two elections.

There is anger in both constituencies, though its depth is hard to measure. The social conservatives, generally associated with the religious right, appear completely poisoned on Mr. Klein, and many feel they have been irretrievably abandoned by the Alberta Conservative party. The fiscal conservatives, a label that loosely applies to a more secular group who favour lower taxes and less government, are less disturbed by *Vriend*. But both factions contain large numbers of people who are passionate "Alberta firsters," and regardless how they feel about gay rights, they are increasingly disturbed by the Klein government's willingness to yield in jurisdictional conflicts with Ottawa and the courts.

As a result, for the first time since Mr. Klein came to power in 1993, there is serious dissent in provincial conservative circles. Some advocate biding their time, trying to ease Mr. Klein out and replace him with a more reliable Albertan and conservative before the next election. The more impatient contend that the failure of their social conservative representatives in the Tory caucus and cabinet to fight harder against *Vriend* proves that the party cannot be reformed from within, and they want immediate, radical action. They are contemplating defection to the Alberta Social Credit Party or the creation of an entirely new political organization, perhaps affiliated with the national Reform Party of Canada.

Bob Rattai, owner of Tempo Electrical Contractors in Edmonton and chairman of the local chapter of the Canada Family Action Coalition, voted for the Klein Tories in the last election, but is now examining his options. "I've voted Conservative for as long as I can remember," Mr. Rattai says. "I moved to Alberta because it seemed like a great place to raise a family, but now I'm starting to wonder. I wonder if Klein has a moral conscience. He said he was going to listen to the people, but when it came through loud and clear two weeks ago that he should invoke the notwithstanding clause, he didn't listen. He didn't even

want to take it to a vote." Mr. Rattai admires the Tory fiscal record, and he thinks there are good people in the caucus and cabinet, but this is not enough any more. "I don't know where



Socred Thorsteinson:
We're here, we're clear, get used to it.

to take my vote now," he says.

Premier Klein has been trying to hold the core elements of his coalition together by insisting that the implications of the *Vriend* ruling are limited to the right of homosexuals to appeal to the Human Rights Commission in matters of employment and housing. His government has promised to "build fences" around the ruling so that it does not affect family law, marital status, or schools policy. However, further judicial activism is bound to test the strength of whatever fences they build.

This is both imminent and certain, according to University of Calgary political scientist and charter-watcher F.L. Ted Morton. "When the Supreme Court rules on the M and H case in September," he contends, "they will probably rule that Ontario's marriage law is invalid because by defining spouse as a member of the opposite sex, it violates Section 15 of the charter. Then all laws in Canada become subject to that." This will be the biggest test of the fences built around the *Vriend* decision, he says. In the M and H case, a lesbian is suing her former partner for support after their relationship ended acrimoniously. The exclusive legal status of heterosexual marriage was significantly eroded by another ruling handed down last Thursday by the Ontario Court of Appeal, which found that the federal government's definition of spouse in the Income Tax Act is unconstitutional because it excludes gays and lesbians. It will also take a substantial fence to shut out Teresa O'Riordan, the Mayerthorpe lesbian who is challenging the Alberta government's policy of refusing to allow homosexuals to take in foster children.

"We have non-elected judges changing the law in Alberta whether we like it or not. It's ludicrous," says Roy Beyer, president of the Calgary-based Canada Family Action Coalition. "It's Trudeau's poison pill that we are paying for today. People are saying we have to confront judicial activism and we need to defend our values through democratic renewal."

Alberta Social Credit Party leader Randy Thorsteinson naturally insists that disaffected conservatives need look no further than his party for a new, comfortable political home. "We're here, we've got the organization already in place," says Mr. Thorsteinson, who runs a Red Deer travel business. "We're the only party in the province with social con-

servative values." In answer to those who are calling for a provincial Reform Party, he says he might consider a coalition. "The name is irrelevant as far as I am concerned," Mr. Thorsteinson says. "What is happening in the province is that the timing is right for a



The once and former populist: Now he does 'the right thing.'

party with traditional social conservative values, beyond any party label." In the two weeks following the *Vriend* decision, according to Socred president John Reil, the party welcomed 1,700 new members to its base of 3,500. "We still have a lot of phone calls to follow up on as well," says Mr. Reil.

Stephen Harper, former Reform MP and president of the Calgary-based National Citizens' Coalition, says that at one time the federal Reformers should have been capitalizing on conservative dissatisfaction and starting provincial wings in order to develop support at the federal level for constitutional change. "But the window of opportunity for provincial Reform wings is past since traditional parties, in Alberta the PCs with their fiscal policy, and the Socreds with their social policy, have adopted Reform platforms," he says.

Not so, says Jason Kenney, Reform MP for Calgary Southeast. "I think that the reaction to the *Vriend* decision opens the window for a provincial grassroots, populist party with conservative values," Mr. Kenney says. To enable the creation of provincial affiliates, the federal Reform Party must change its constitution. The proposal has been examined and rejected by the RPC membership several times, and the party establishment opposes it. But the issue will be debated and voted on again at the party's upcoming May assembly in London, Ont.

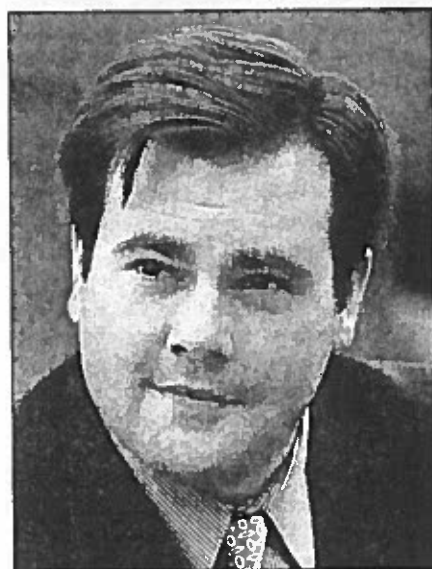
Mr. Kenney is the head of the national Reform Party's "United Alternative" campaign, an attempt to woo discouraged members of the moribund federal Conservative party across Canada to join Reform. His comments indicate he is sympathetic to a similar effort

at the provincial level in Alberta. Intriguingly, Mr. Kenney is hosting a fund-raising dinner in Calgary May 13 where "uniting the right" will be the theme, and his keynote speaker is none other than Alberta Treasurer Stockwell Day, a presumed social conservative who has indicated that he wanted the government to opt out of the *Vriend* decision.

Peter McCormick, a political scientist with the University of Lethbridge, says any serious attempt to rally social conservatives away from the Alberta Tory party raises the possibility of a self-defeating vote split on the right. "Certainly what we are talking about is not a party that will sweep into power, but a party that will cripple the PCs, possibly letting the Liberals come up the middle," he says. "The first big question is whether Klein will continue to follow policies that will make the social conservatives unhappy?

And the best bet is that he will. The second question then is, how annoyed will the social conservatives get? Will they seek an alternative political option?"

Mr. Beyer believes they have already started looking. And he also thinks an alternative conservative political movement could



Reform's Kenney: Opportunity's knocking.

achieve electoral success quickly if its platform were based primarily on advocacy of direct democracy and social conservatism. There is a natural affinity between the two principles, he says. "Some people think that social conservatives are narrow-minded, but the reality is that their issues—like tax-funded abortions, VLTs, the *Vriend* decision—they

have never been afraid to take these to a referendum. It's been the pink Tories and others who refuse to even look at that," Mr. Beyer says. "Strategically, it is very important to us not to be afraid of the will of the people because that is such a huge frustration here, as well as in all of Canada. People are just so cynical about the political process."

The new leader of the Liberal opposition, Nancy MacBeth, a former cabinet minister in the Getty government, certainly senses the opportunity for her party to benefit from a split on the right. "The Tory party for many years has worked very hard to make sure that no provincial wing of the Reform Party even gets a foothold in Alberta," says Ms. MacBeth. "The electorate is splitting off. Some of that will split off towards the Liberals, some of it will split off towards Social Credit or a possible Reform coalition. And then what's left of the Tories? That's the opportunity for us."

Vriend may be the key ingredient for sparking an alternative political movement, but it is not the only one. The social conservative constituency started to sour on the Klein government in 1996, when it responded to widespread demands for ending public funding for abortions by asking the province's doctors to make the decision for them, knowing perfectly well that doctors would do nothing of the sort. When they refused, the premier famously passed the buck to "a woman, her doctor and God." Shortly thereafter, the government actually expanded its abortion funding, by agreeing to pay for the operating costs of private abortuaries.

And despite the enormous controversy over video lottery terminals (VLTs), which the government brought in without public consultation in 1992, the PCs have consistently resisted calls for a province-wide referendum. Mr. Klein has left the issue in the hands of municipal councils, citing the right of "community standards" to prevail, but he initially threatened to deny them gambling profits if they vote VLTs out. Later, when at least one town had voted them out, the government refused to pull the machines on the grounds that the matter was before the courts. Both the religious right and fans of direct democracy have been mightily offended by the Tories' handling of VLTs.

The Alberta-first constituency, along with many fiscal conservatives, were horrified late last year when the Klein administration acceded to what has been called "the biggest tax grab in Canadian history"—the massive Canada Pension Plan premium hikes. The same crowd was upset earlier when the government abandoned its attempt to bring in private hospitals after Ottawa began withholding healthcare transfer payments.

There is another, potentially large, bloc

of Alberta votes that may defect from the Tories over their national unity and constitutional positions. Mr. Klein played a key role in developing the Calgary Declaration, which pledges support for recognition of the "unique character" of Quebec. If the declaration eventually evolves into a formal constitutional amendment, public opinion is expected to turn against it, just as occurred during the debates over the Meech Lake and Charlottetown accords.

Senate reform is another potential flashpoint. Mr. Klein has belatedly become a champion of the Triple E Senate, and earlier this year he promised Albertans an opportunity to vote for a slate of senators-in-waiting, to be held in con-



CFAC's Beyer:
Alberta's own unite-the-right movement.

junction with this fall's provincewide municipal votes. Then he and Intergovernmental Affairs Minister David Hancock began backing away from the commitment, saying it might not be possible this fall. Speculation is that Mr. Klein has realized that Senate elections would mobilize the Reform Party at the provincial level, with obvious implications for the Tories in the current political climate. Late last week, Mr. Klein indicated the timing of the Senate elections will be resolved at a Tory caucus meeting this week.

Alberta and Ottawa are at loggerheads on two other crucial issues, gun control and global warming. The Tories challenged the federal Liberals' latest gun control legislation in court, but there is a widespread suspicion among gun owners that those efforts are token at best, designed to placate rural voters. On global warming, some of Mr. Klein's ministers have been impressively aggressive in warning Ottawa that the province will not tolerate a carbon tax or any simi-

lar policy that singles the Alberta energy industry out for punishment. But in the end, the provincial government tacitly accepted the Kyoto agreement last fall, which commits Canada to huge cuts in greenhouse gas emissions. And given the Tories lack of resolve in standing up for the province in *Vriend* and a host of other issues, there could be further capitulation on global warming.

The unofficial "Let Ottawa decide" policy adopted by Premier Klein's government contrasts sharply with the "Alberta first" posture of most of its predecessors. John Brownlee, the United Farmers of Alberta premier from 1925 to 1934 successfully, fought Ottawa for the right of Alberta to control its own resources. William Aberhart, founder of the Social Credit Party and premier from 1935 to 1943, battled the feds over economic policies in an effort to protect the province from the ravages of the Depression and the capriciousness of eastern banks. Ernest Manning, Aberhart's successor and premier from 1943 to 1968, defended the province from a federal assault on Alberta's jurisdiction over its education and health-care systems.

Peter Lougheed, Progressive Conservative premier from 1971 to 1985, is perhaps best remembered for his battle with the Trudeau Liberals over National Energy Program. Mr. Lougheed, along with Manitoba premier Sterling Lyon and Saskatchewan's Allan Blakeney, also fought for provincial autonomy by insisting on inclusion of the notwithstanding clause in the Charter of Rights and Freedoms. Even Mr. Klein's immediate predecessor, Don Getty, occasionally scrapped with Ottawa. When then-prime minister Brian Mulroney vowed he would not recognize the results of a senate election in Alberta, Mr. Getty went ahead and had the election anyway and the winner was.

Hermína Dykxhoorn, executive director of Alberta Federation of Women United for Families, says she believes Mr. Klein deserves credit for slaying the deficit and bringing down the debt, but his easy acceptance of made-in-Ottawa social policies are not Albertan, and they are definitely not conservative. In her view, voters should be open to the idea of alternative political vehicle because none of the parties in the legislature today will defend their interests. "Why should people with strongly held views about our social policy abandon their values because they fear splitting the vote when the party they fear splitting doesn't hold to those values?" Mrs. Dykxhoorn asks rhetorically. "Klein's policies are reaching into our families. These are fundamental issues, so people are not going to cast them aside and say it doesn't matter."

—Kevin Steel

damn mad over what is happening to our freedoms in all areas of our country. I have voted Tory provincially ever since I was old enough to vote, and when Klein came in, I thought I could live with him being a social liberal. The last few months, however, have changed my mind. He now seems to be merrily driving us over the cliff of political correctness and socialism, and to hell with what people want. Klein is looking more like a federal Liberal every day. With the Reform Party inching more and more towards the middle of the road (where you are most likely to get hit by a truck), it is safe to say that for me, the camel's back just broke.

I pulled both the Social Credit and Western Canada Concept platforms and policy statements from the Internet and read them thoroughly. That was all I needed to be convinced. I am voting Socred provincially and WCC federally from now on.

Steve Baxter,
Edmonton

Retrieve our democracy

When a group with a sexual preference can be granted special rights by the Supreme Court of Canada, our democracy is at risk.

It is not the intent of democracy to have a handful of non-elected judges deny our democratic rights. Our constitution was intended to protect the people from the state. We the people will decide, through our elected representatives, what standards we prefer to maintain a civil society. Using sexual orientation to create laws to protect people from discrimination shows no respect for existing "equal rights" laws. What will be next? Special rights for those prone to public thumb-sucking?

There are enough laws to protect everyone from malicious discrimination. Courage to enforce existing laws is required, not more laws for every possible sexual deviation. It is time to use our democratic rights to get back our freedom from non-elected political activist judges.

Don Brandon,
Sherwood Park, Alta.

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The shyter community has us by the throat, thanks to Pierre Trudeau, who wanted to leave a historic "legacy" no matter who got hurt. We are now governed by self-aggrandizing dictators through a charter of enslavement.

Vriend won and is boasting. Millions of decent people lost. They call this democracy.

Anthony Storcer,
Calgary

Nature no longer rules

Mother Nature's rules dictate procreation through a male-female partnership. Courts that rule in favour of same-sex partnerships force us to accept this unnatural behaviour. Fortunately, other species of animals have the sense to follow nature's rules and not those of man.

How do parents teach their children homosexuality is not natural? How do we tell them the government is wrong and that schools and teachers who teach acceptance of this behaviour are wrong? How do we tell our children it is wrong to choose a lifestyle that defies nature and spreads the AIDS virus?



Klein gesticulates on the Vriend ruling: What part of 'no' doesn't he understand?

The Supreme Court of Canada makes it clear we do not have this right because it discriminates against a minority.

Ha, ha, they win.

J. Nixdorff,
Airdrie, Alta.

Who gets the last laugh?

Mockingly, Delwin Vriend laughed, "Ha, ha, I win!" Infantile, selfish, pitiable. I'm sure in the next generation, my sons and grandsons will "win." Is this the last laugh? Not really. "Be not deceived, God is not mocked."

Vernon Hoff,
Gleichen, Alta.

Discrimination is alive

The decision handed down by the Supreme Court proves that discrimination, encouraged by judicial activism, is healthy and alive in Canada. It was frightening to see and hear Delwin Vriend proudly declare on the evening news "I win!" With this ruling, it seems the court is conspiring to sell the idea to all Canadians that this is the way true democracy ought to function.

Abram N. Braun,
Altona, Man.

The last straw

It is long overdue for us to begin getting

EDITOR'S NOTES

Paul Bunner



In a perfect send-up of the desperate search for a leader of the cata-tonic federal Conservative party, the satirical magazine *Frank* recently printed a hilarious ad announcing the candidacy of "Myron Buldoon." The Groucho Marx moustache and glasses on the picture of the candidate, who was described as "untainted by the reviled yet phenomenal Mulroney era," failed to disguise his true identity: It was Ol' Jawbone himself.

Frank could have satirized the candidacy of another former Tory leader—the one without a chin—except that Joe Clark is being taken seriously as a potential saviour of Canada's Greatly Overrated Party (GOP). It's hard to lampoon facts that are funnier than fiction.

All the even remotely credible candidates for the GOP leadership, including Ralph Klein, Lewis MacKenzie, Gary Filmon

and Stephen Harper, have taken to the lifeboats. That leaves Hugh "better Red [Tory] than dead" Segal and High River drifter Clark as the main contenders for the captaincy of the Tory *Titanic*, though

according to Patrick Donnelly's story in this week's magazine (page 7), the Harrisites in Ontario are trying mightily to dig up a real conservative who would ultimately lead the national PCs into a merger with Reform.

They need look no further. The next leader of the Progressive Conservative Party of Canada is as familiar as your next door neighbour, a proud Canadian loyalist, a lively public speaker and seasoned television performer who is seen by over a million voters a week, a resident of Ontario (where the Tories are especially keen to rebuild) and a refreshingly plain-spoken right-winger. He is—drum roll, please—Don Cherry.

As the curmudgeonly commentator on *Coach's Corner*, the

popular Saturday night CBC program that enlivens otherwise unwatchable regular season NHL hockey, Mr. Cherry has spent years laying out his political platform. We could expect, for example, that a Cherry-led Conservative party would advocate much tougher immigration rules, especially for Russians and Swedes. His sentimental references to his late wife Rose indicate a firm commitment to family values, and despite occasional homoerotic on-camera clutches with his favourite players, no one would ever mistake him for a gay rights advocate.

Best of all, in recent weeks Mr. Cherry has emerged as the chief spokesman for the so-called "Plan B" national unity strategy. Everyone in the chattering classes seems to agree that getting tough with Quebec—warning of the dire consequences of separation and so on—is at least partly responsible for the decline in support for the sovereigntist option during the last few months. Clearly, no one has been tougher with Quebec than Mr. Cherry.

His attacks on Quebec athletes

and separatists who complained about the preponderance of Canadian flags at the Nagano Olympics was followed, more recently, by a spirited condemnation of the Quebec language police for harassing firefighters who use the English phrase "10-4." He is also on record as opposing federal funding for the Francophone Games. In his unerring talent for saying exactly what anglo Canada is thinking, he makes Preston Manning sound like a Quebec-appeaser.

It is true Mr. Cherry stumbled two weeks ago during an Oilers-Flames game at the Saddledome when he found Supreme Court lapdog Ralph Klein in the audience and hailed him as "a man of the people." But he compensated for it (and scored heavily with the ethnic vote) in his syndicated newspaper column a couple of days later when he defended Vancouver cab drivers from an assault by a couple of pointy-headed Calgary academics writing in the *Globe and Mail*.

Don Cherry is the man to unite the right in Canada. You read it here first.

LETTERS TO THE EDITOR

The fallout from Vriend

The following letters all pertain to our cover story "Ralph gets moral, and Alberta gets gay rights," (Apr. 20).

A dangerous lifestyle

Most Albertans object to hatred directed against other races or against homosexuals. However, these two groups cannot be equated and I object to those who use this false parallel to silence opposition. Homosexuality is statistically dangerous to those who practise that lifestyle and, indirectly, to the public at large.

The scientific jury is still out on whether homosexuality is genetic in origin or is the result of some other possibly unknown source. However, political activism should not prevent honest debate and a determination of the facts.

Meanwhile, it would be irresponsible for anyone to encourage our children to consider homosexual behaviour. It is a genuinely dangerous threat to their health and to the public at large, and it is a moral issue as well. We need to ensure our children are not deceived about the effects of this lifestyle.

Don Johnston,
Medicine Hat

No morality, no values

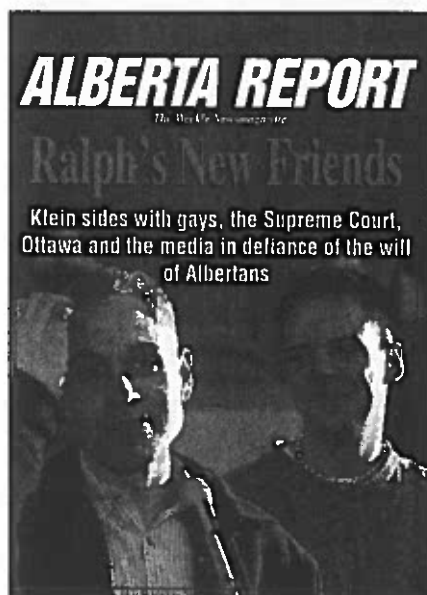
The reasoning that would validate homosexuality as a normal practice would, over time, apply to other immoral acts as well. If morality is no longer a standard for behaviour, why then is polygamy illegal, or group marriages not recognized? Why can't a consenting adult ask that his life be ended by another? If our society is non-judgmental, then wouldn't any number of societal taboos eventually gain acceptance?

How do we define what is right or wrong? Do we vote on the moral issue, allowing the majority to determine the values the minority must live under? Do we allow the courts to ignore the views of the majority in order to enforce upon them the views of the minority?

ity? Are our rights God-given, under His rules, or are we free to do whatever makes us happy?

This goes beyond a simple question of what a benevolent society can tolerate, but to what it must accept as right and normal.

Ron Thornton,
Edmonton



The rights of the majority

I always thought homosexuals have the same rights as every other Albertan. If the rights of all of us are protected, why is another category of protection needed?

When we say "opt out of the constitution," why does Premier Klein insist that is not what we really mean? What part of "no" does he not understand? We do not need a public relations campaign to explain why we should agree with him. Where is our right to have our government act on the wishes of the majority?

Linda Blenert,
Wanham, Alta.

The assumption of power

Help me get this straight. When we elect our representatives to Parliament or to the Legis-

lature, they make the laws. Yet, since 1982, the judges of the Supreme Court of Canada have assumed the power to do the following:

1. As shown by the *Askov* decision, they have ordered all levels of government to spend billions of dollars on new courthouses and prosecutors, on the threat they will let tens of thousands of criminals go unpunished (the *Askov* decision involved assuring the accused the right to speedy trial; it is estimated 30,000 to 50,000 cases were never brought to trial because expectations for a speedy trial could not be met).

2. They have struck down any law of which they disapproved (starting with the *Oakes* decision, in which the judges overturned federal legislation which they felt did not meet their standards for due process).

3. As indicated by the *Vriend* decision, they have added any law they want, whether our elected representatives vote for or against it.

Are we even permitted to ask questions, or are the Supreme Court justices going to come after us for contempt of court? Is it true that judges these days can make speeches on political subjects, but we cannot criticize them or question their judgement?

If it only took 15 years for unelected judges to assume all that power, how far will they go in the next 15 years?

Brian Purdy, QC,
Calgary

Judicial enslavement

This country is not governed by its elected representatives. June Ross, Delwin Vriend's lawyer, made that abundantly clear in the first week of April when she was interviewed on CBC Newsworld. "The charter gives power to the court to limit legislative action," she said, before she immediately recanted (while her face went beet-red) and mumbled, "...the court interprets legislation." But her qualifying comments came too late. We now know what the legal community really believes and the contempt in which lawyers and those arrogant ermine-robed judges hold the citizens of this country.

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Albertans have to tell Ralph to give them a direct vote on gay rights



It is quiet but deep, the resentment in Alberta against what Ralph Klein did. "He chickened out," is what most people are saying. "Instead of opting Alberta out of the Supreme Court ruling on gay rights, he caved in." It's impossible to know how widespread this sense of betrayal is. No polls in the wake of the *Vriend* ruling had been published by last week, and I'm not sure a poll would detect the real feeling anyway. But the frustration seems to run all through the cities and right across the countryside.

The big question is, what will Albertans do about it? Will they be lulled back to sleep by the government's less-than-frank newspaper advertisements? Or will they find some way of forcing the Klein government to do the right thing and opt out?

One thing seems certain: the ads will fool nobody. Everyone knows that gay rights, once begun, go from victory to victory. They always advance and never retreat. If Delwin Vriend's challenge of the province's Human Rights, Citizenship and Multiculturalism Act* was no big deal, why then did the government spend six years in court fighting it? And if they were right to fight it, why are they now so against opting out, as the Supreme Court itself has invited them to do?

Obviously, if the Tories are too timid to opt out now they will be too timid to opt out ever. In one test case after another, gay rights will be incorporated into Alberta's educational and family laws and policies. Ms. T., the Morinville lesbian, will get more foster children, and then male homosexuals will win equal treatment. Bizarre new literature will go into the schools, anyone who says homosexuality is unhealthy will be threatened with various kinds of prosecution, and Alberta will become as stupid about this subject as B.C. and Ontario.

All the premier's talk about "fencing off" sensitive areas in future is disingenuous. The time for "fencing off" has already arrived, and the Conservatives simply refuse to do it. But this returns us to the question: what will Albertans do about it?

Despite the Tories' silly advertising, let's face the fact that this ruling introduces a fundamental change to the province's constitution. No court and no premier has any moral right to do that unilaterally. It requires a direct vote of the people—a referendum. And the obvious time to put gay rights to a referendum is in October, with the next province-wide municipal elections.

Observe that there is no rational argument against doing so. If the *Vriend* ruling is (as the Tories now insist) no big deal, then they shouldn't object to a referendum, because the outcome doesn't much matter. And if it is a big deal (as everyone on both sides knows it is), then they shouldn't object to a referendum either. Albertans have a law entitling them to vote directly on any constitutional change, such as the Charlottetown Accord in 1992. The Alberta Human Rights, Citizenship and Multiculturalism Act—the act which the Supreme Court has arbitrarily rewritten—is a quasi-constitutional statute. Therefore Albertans should all vote on whether they accept the change.

The Tories, however, want this issue to go away, so they will insist for as long as they can that nobody cares very much about it. The only way to prove them wrong is to circulate a petition from one end of the province to other, and get a huge chunk of Alberta's 1.8 million eligible voters to sign it. True, the petition would not be legally binding. But it would be politically binding if 180,000 or 250,000 Albertans endorsed it. I don't see how the Conservatives could possibly afford to ignore it. If they did, they'd be finished.

Other Canadians imagine that Albertans get angry about gay rights because we hate gays. This is not true. We couldn't be bothered hating gays. We get angry because we don't like—and don't accept—being told by outsiders how we will live, what we will think, and what our provincial laws will say. And this goes double when the people doing the telling are a panel of fat-headed, overpaid Ottawa lawyers in red suits who alter our laws at a whim and answer to no one. Our laws do not belong to these Ottawa lawyers, whose stupidity about charter rights grows more wanton and reckless by the year. Our laws belong to us. And we can't understand why Ralph Klein sides with the court against us.

A petition is very often a waste of time, but in this case it's the only thing that can work. We have to demonstrate to the government it is courting disaster. If gay rights go to a referendum, they will be defeated by a vote of three or four to one. Mr. Klein needs to be warned that most Albertans take this matter far more seriously than he does.

—Link Byfield

*Formerly the Individual's Rights Protection Act

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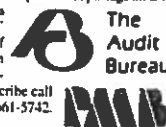
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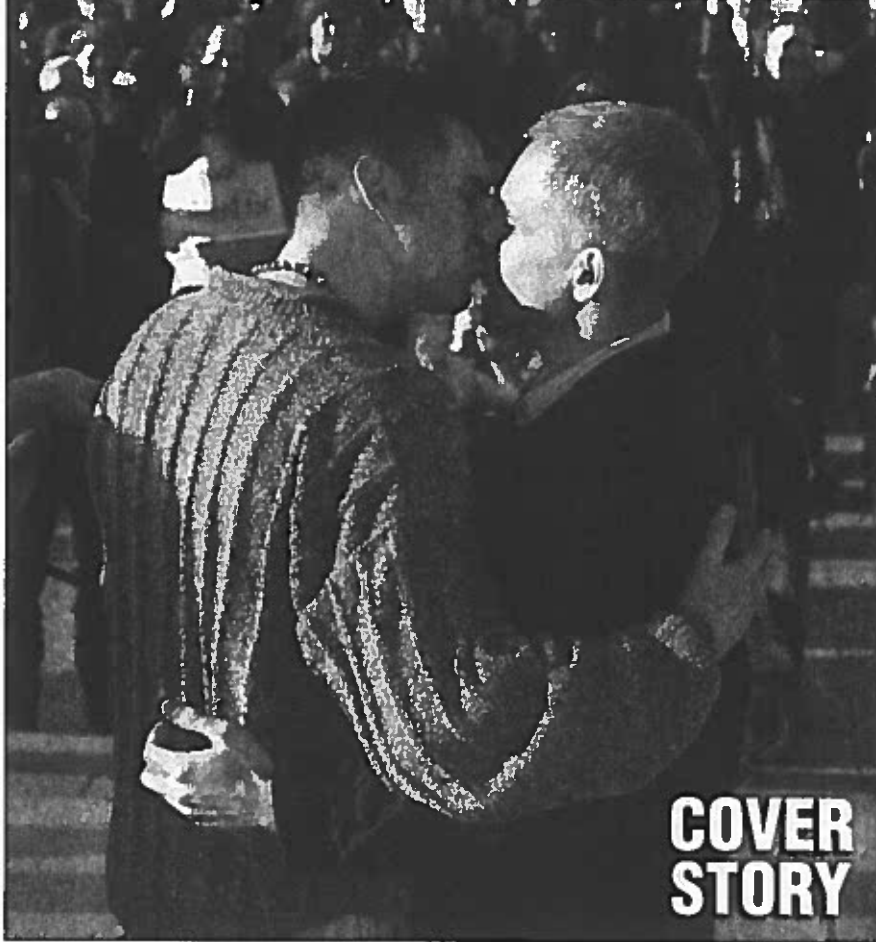
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BRENDON DLOUHY/EDMONTON SUN

Ralph gets moral, and Alberta gets gay rights

How Klein snookered public opinion to satisfy homosexuals, the Supreme Court and the media



Victor Vriend (right) and boyfriend celebrate: 'Ha, ha, I win.'

Sitting in the departure lounge of the Edmonton International Airport last Wednesday evening awaiting her Airbus flight home to Calgary, Hermina Dykxhoorn saw a familiar face across the room. The big handlebar moustache unmistakably belonged to Rod Love, Alberta Premier Ralph Klein's legendary political fixer. "My heart sank," says the normally effervescent silver-haired mother of three and president of the traditionalist group, Alberta Federation of Women United for Families (AFWUF). "I knew that if Rod was already going home, the fix was in."

Mrs. Dykxhoorn was referring to the meeting of the Conservative caucus scheduled for

the next day, where the MLAs were expected to debate whether the government would opt out of the Supreme Court of Canada decision ordering the Alberta government to add sexual orientation to the list of characteristics specifically protected under the province's human rights law. Earlier in the week, following an unprecedented, largely spontaneous outpouring of grassroots opposition to the Supreme Court edict, social conservative lobbyists like Mrs. Dykxhoorn had begun to think that the MLAs would respond to the popular will and decide to either opt out on their own, conduct a free vote in the Legislature on the issue, or put the question on a referendum ballot in conjunction

with this fall's municipal elections.

They knew that Premier Ralph Klein favoured capitulation to the Supreme Court. He had said as much a week earlier, when the court issued its stunning 8-1 decision rewarding Edmonton homosexual Delwin Vriend's five-year campaign against the government. But Mr. Klein appeared to waver when voters, especially in rural areas, bombarded his office and those of his colleagues with thousands of angry calls, letters and faxes demanding the invocation of Section 33 of the Charter of Rights and Freedoms to exempt the province from the court ruling.

Then Mr. Love showed up. Suddenly Mr. Klein, backed by the gay rights lobby, federal Liberal Justice Minister Anne McLellan, an extraordinarily partisan media campaign led by the *Edmonton Journal*, the provincial Liberal and New Democrat caucuses, a number of law professors from the University of Alberta and a weepy performance by gay Edmonton Councillor Michael Phair, returned to the offensive.

"Right or wrong, I have drawn my line in the sand," said Mr. Klein. "I have said personally that I will accept the ruling, that I think it's morally wrong to discriminate on the basis of sexual orientation." It was obvious then that Mr. Klein had decided to ride out the storm, and that he would brook no resistance from his caucus.

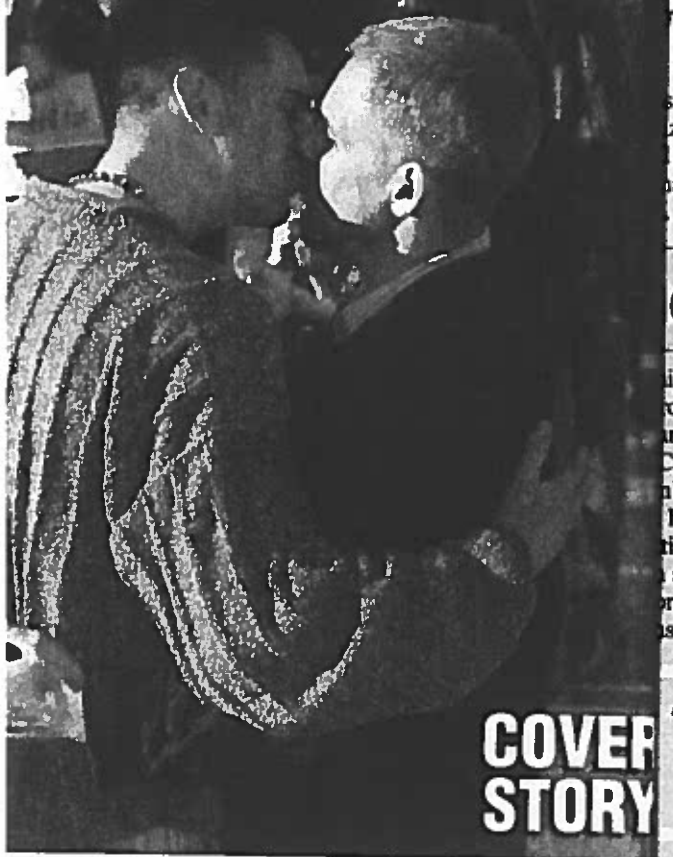
When he appeared at a news conference Thursday to announce that the caucus had decided to accede to the ruling, the premier was flanked by a couple of stone-faced cabinet ministers. Community Development's Shirley McClellan, no doubt acutely aware that the voters in her east-central rural riding of Chinook may punish her for kowtowing to gays and the Supreme Court, said little. Even more conspicuously silent was Justice Minister Jon Havelock, heretofore a loud defender of legislative supremacy and opponent of judicial activism. But what could Mr. Havelock say? He owed his political hide to Mr. Klein, who had rescued him from the political firestorm that erupted last month when the government, acting on Mr. Havelock's advice, tried to invoke the notwithstanding clause to limit the compensation claims of so-called "mental defectives" who had been sterilized decades ago under the authority of the government.*

The loud popular reaction to the sterilization issue convinced Mr. Klein to back down, yet he stood firm in the face of an even greater backlash against Vriend. ND leader Pam Barrett shrieked that the backlash was orchestrated by well-organized and financed

*There remains much speculation that Mr. Havelock was set up, perhaps by Mr. Love, to discredit and neutralize him and/or his own senior bureaucrats and the notwithstanding clause in advance of the impending Vriend decision.

BRENDON DLOUHNY/EDMONT

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XTRA magazine boasted that homosexuals now have better jobs, greater income and far more political clout than the average Canadian. Numerous American surveys indicate that they also have four times the post-secondary education of heterosexuals. A 1991 survey by the Chicago-based Simmons Market Research Bureau found that homosexual American households average an income of \$55,430, versus a general population average of \$32,144. Individually, American gays earn \$36,800; the non-gay figure is \$12,166. When it comes to disposable income, University of Maryland lesbian sociologist Deborah Blodgett finds that homosexuals have three times the mad money per capita of heterosexuals, which explains the proliferation of upscale and major-brand ads in glossy gay magazines like *FAB*.

'This isn't an oppressed minority; this is a decadent elite.'
—Lawyer Gwen Landolt

If gays' general lack of family responsibilities explains their disposable income, their disposable income partly explains their political clout. Through the early 1990s, AIDS re-

ceived 10 times the research funding of breast cancer, despite the fact that breast cancer claims 20 times more victims. The power of the gay lobby was revealed in last year's Krever inquiry report, which showed that fear of incurring gay wrath dissuaded Red Cross and Canada Health officials from guarding the blood supply against AIDS. "Canadian homosexuals have political influence completely disproportionate to their numbers," says Toronto lawyer Gwen Landolt, national vice-president for REAL Women of Canada. "A chief advisor in the Prime Minister's Office is openly gay. So was Chretien's speechwriter, James Oldham, who died of AIDS last summer. The chairs of both the B.C. and Ontario human rights commissions... The list goes on. MPs Svend Robinson and Real Menard get the Immigration Act changed so they can bring in their boyfriends from abroad, and they change the parliamentary rules so travelling companions can join them at public expense. This isn't an oppressed minority; this is a decadent elite."

—J.W.

"fundamentalist" Christian and conservative groups. The nominal leader of that powerful coalition presumably was Roy Beyer, leader of the fledgling, 700-member Canada Family Action Coalition (CFAC).

Last Monday, sitting in a Chinese restaurant in west Edmonton, the "powerful" lobbyist was trying to figure out where he could get a few thousand dollars to buy some advertising, worrying because his organization's toll-free phone line was being blocked by someone using an automated dialler, and marvelling at the undisguised hostility of the various "objective" reporters he had talked to in recent days.

Nevertheless, Mr. Beyer's group did succeed in distributing 40,000 pamphlets through-



AFWUF's Dykxhoorn:
'The fix was in.'

out the province warning of the threat to the traditional family posed by legal endorsement of homosexuality. Meanwhile, University of Calgary constitutional expert Ted Morton and his tiny Alberta Civil Society Association couriered every provincial MLA a 31-page essay condemning judicial activism and advocating use of the notwithstanding clause. Mrs. Dykxhoorn's group, AFWUF, urged its 5,000 members to lobby their MLAs to opt out of *Vriend*. Calgary's Par-

ents Rights Association, the Medicine Hat Citizens' Impact Coalition, Alberta Pro-Life, and the Catholic Civil Rights League of Canada all cooperated in getting the message out.

Most of the public reaction, however, was spontaneous. On the Thursday of the decision, well before the conservative coalition had mobilized its troops, there was a 15-minute wait to reach the premier's office by phone; by Friday, the lines were blocked. "My phone is melting," quipped provincial Treasurer Stockwell Day, the putative leader of the social conservative faction in the Tory caucus and one of four cabinet ministers appointed by Mr. Klein to chart the government's response to *Vriend*. Within four days of the ruling, most cabinet ministers were reporting that they had each received over 1,000 calls, two-thirds of which favoured opting out. Rural MLAs reported hundreds of calls, running 80% or more in favour of invoking Section 33.

But as the week progressed it became clear that the weak link in Alberta's resistance to judicial dictatorship would be Premier Klein himself. He opened his press conference two weeks ago, on the Friday after the court's

A rich, educated, unpersecuted elite

One thing is notable for its absence from the high-profile court cases examining the question of special legal protection for gays. This missing link is evidence that homosexuals are—or are not—actually discriminated against in contemporary Canadian society. In her April 1995 ruling, Alberta Court of Queen's Bench Justice Anne Russell described discrimination against homosexuals as so "notorious" that she could "take judicial notice of it without evidence." A month later, in its *Egan* ruling on same-sex benefits, the Supreme Court decreed, without hearing or citing evidence, that a person's "sexual orientation" is "analogous" to race, sex or ethnic origin—an identifiable part of his immutable identity, rather than a lifestyle choice.

Now, in *Vriend*, the justices of the Supreme Court assert that "in excluding sexual orientation from [Individual's Rights Protection Act] protection, the government has in effect stated that 'all persons are equal in dignity and rights' except gay men and lesbians. Such a message, even if it is only implicit, must offend." Yet the court has never objected to the supposed exclusion from human rights law of the short, the obese, the ugly or the left-handed, all of whom encounter demonstrable and systematic discrimination in everyday life.

The evidence that homosexuals are oppressed is thin in some places. In 1993, in a unilateral attempt to expand its mandate, the Alberta Human Rights Commission set up a widely-advertised gay complaint hotline. On other issues, the commission has received 600 complaints monthly, about 50 of which were deemed to merit study. But the gay line received just 31 calls over three months, covering a period of many years and only two were recommended for investigation. After the Toronto police instituted a "hate crime" unit, the maximum number of "gay bashing" complaints in any one year was 16, in 1993; of the three complaints that merited investigation, two turned out to involve apparent altercations between gays.

In 1993, in the *Globe and Mail*, gay publisher Ken Popert of

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decision, by insisting that his government had a week to consider its options; 10 minutes later, he confirmed that his government would not employ Section 33. "So the sole purpose of your government's deliberations is to limit the effects of the ruling elsewhere?" he was asked; "That is correct," was his answer. On the following Monday, shaken by the public reaction, he was openly reconsidering use of the notwithstanding clause. By Tuesday, however, he was starting to return to his hard-line position, and condemning the very Albertans who have voted for him in two general elections and were now calling upon him to resist the court.

"I abhor discrimination," he told the Canadian Press. "We have people out there writing letters that quite frankly make your stomach turn." He then condemned the grass-roots resis-

tance campaigns for warning of the implications of the ruling. "It's a very narrow decision," he soothed. "I think there's a willingness not to

'To open up all private and public action to judicial review could strangle the operation of society and diminish the area of freedom within which individuals can act.'

—Retired Supreme Court justice
Gerard LaForest

understand the situation, or a legitimate lack of understanding what the decision means."

CFAC's Beyer says the premier gave a vir-

tuoso performance in political manipulation. "Ralph Klein pretended to set up a process, to consider the views of Albertans on this issue, and then he proceeded to find ways to minimize the views he received," says Mr. Beyer. "He minimized faith-based opinions as the religious fringe. He minimized any opinions arising from our information campaign as mindless propaganda. And in the end, he stereotyped the grassroots opposition to *Vriend* as a pile of 'sickening faxes.' I don't doubt the premier received a few letters from the lunatic fringe. But only a few. And he used them as a pretext to disqualify all of the popular reaction. He sided with the media and liberal establishment, and he misrepresented the grassroots opposition as proof that Albertans—the people who elected him—are violent homophobes."

The strategy of a human-rights ambush

Ever since Delwin Vriend was fired from his job as a lab instructor at Edmonton's King's University College in January 1991, the mainstream media have consistently reported that he was fired for being a homosexual and that he was suing to regain his position. They are wrong on both counts.

Mr. Vriend began working at King's in early 1988. In early 1990, the college administration learned that he was living the "gay lifestyle," contrary to its Christian code of conduct. Mr. Vriend was familiar with that code, having been raised in the Christian Reformed Church and having attended the CRC-affiliated King's as a student. Yet, when college president Henk van Andel approached him about the issue, he demanded that the college alter its code.

"Delwin could have remained teaching at the college, if only he hadn't insisted on living that lifestyle," says King's vice-president John Rhebergen. "But what he was doing was contrary to our Statement of Faith. If a heterosexual couple had been doing the same thing, we'd have done the same thing. Christian morality is a requirement of teaching here."

By late 1990, Mr. Vriend's lifestyle had become an open issue around the school. He began wearing a T-shirt announcing "Nobody knows I'm gay," and at his invitation, the media started to haunt the place. "The students had a pretty good idea what was going on," says a former student, who wishes to remain anonymous. "You couldn't miss the CBC cameras in the lobby. Some conservative Christian students demanded that he be fired and a pro-gay lobby demanded he be kept on."

With its moral commitment and its credibility with students on the line, the college asked Mr. Vriend to resign in January 1991. When he refused, he was fired. That June, he went to the Alberta

Human Rights Commission.

For the previous three years, the AHRC had been lobbying noisily to have "sexual orientation" included within its mandate, only to be repeatedly rebuffed by the government. Not surprisingly, when Mr. Vriend brought his case to the commission, he was told his right to homosexual behaviour was not protected under what was then the Individual's Rights Protection Act (IRPA). By then, however, he had joined forces with the Gay and Lesbian Awareness (GALA) Society of Edmonton, the Gay and Lesbian Community Centre, and Dignity Canada Dignité. Ever since, they have all been suing, not the college, but the Alberta government, for not including "sexual orientation" in the IRPA.

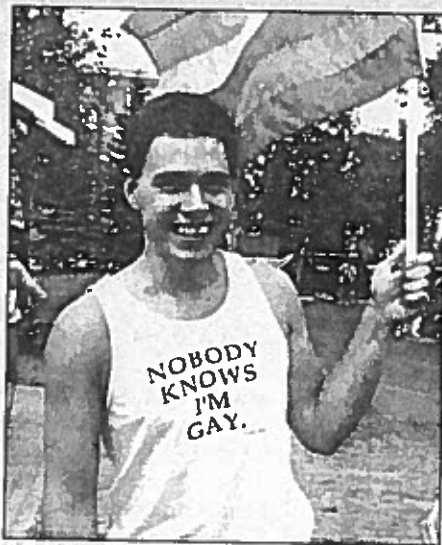
In 1992, claiming that sex with his lover had been "negatively affected" by his dismissal, Mr. Vriend filed suit against Alberta, arguing that omitting sexual orientation from the IRPA violated the equality guarantees in the Charter of Rights and Freedoms. In April 1994, Alberta Court of Queen's Bench Justice Anne Russell decided that anti-gay discrimination is "so notorious that she could take judicial notice of it without evidence." And she ruled that Alberta was obliged to "read in" sexual orientation to the IRPA.

The Alberta government elected to appeal, and in February 1996, in a 2-1 decision, the Alberta Court of Appeal overturned Madam Justice Russell's ruling. In a scathing indictment of judicial activism, Justice John McClung affirmed

Alberta's right to step "back from the validation of...sodomy as a protected and fundamental right."

Mr. Vriend and his friends decided to appeal. Meanwhile, however, in its May 1995 Egan ruling, the Supreme Court had decided (again without evidence of discrimination against gays) that "sexual orientation" should be treated as a forbidden ground for discrimination, like race or sex. So when it heard the Vriend appeal, last November, the court was primed for some more judicial activism.

—J.W.



Litigant Vriend: Flaunted his lifestyle.

Mrs. Dykxhoorn concurs with that analysis. "Ralph's reaction was basically anti-Christian bigotry," she charges. "If he could have seen the *Vriend* decision simply as a constitutional issue, simply as the tyranny of the Supreme Court, he might have fought it. But once he realized it had become a moral issue for most people—the issue of being forced to endorse homosexual behaviour—at that point, they became the enemy. We've seen it before, with tax-funded abortions and VLTs: when something becomes a moral issue, he does everything in his power to shut it down, like his only moral principle is to oppose any moral principles. And he's so committed to opposing public morality that he failed to see the constitutional issue that

he really needed to fight."

The Supreme Court's decision in *Vriend* does represent an unprecedented use of raw judicial power, both in a "social engineering" sense—attempting to remake the moral order of society—and also in a strictly legal and constitutional sense—"legislating from the bench." The constitutional implications of the decision alone might have justified use of the notwithstanding clause. Even the *Toronto Globe and Mail*, ever the tireless defender of the gay rights agenda, warned of the judicial power-grab that was implied in the Supreme Court's ruling against Alberta.

There is a long tradition of the courts employing "negative restraint" to strike down flawed legislation. But *Vriend* is the most

dramatic example to date of the post-charter phenomenon of courts "making law" where none exists. When Mr. Vriend's complaint was rejected by the Alberta Court of Appeal, Justice John McClung, writing for the majority, expressly noted that the courts must respect the will of the legislature, which in Alberta had repeatedly refused to add sexual orientation to its human rights code, just as federal legislators had always refused to put it into the charter.

Today's Supreme Court respects no such constraints. It previously "read in" sexual orientation into the charter, and did it again in *Vriend*, on the grounds that the omission of sexual orientation as a protected right "sends a message to all Albertans, that it is

Fasten your seatbelts

Responding to the vehement public reaction against *Vriend*, last week Premier Ralph Klein actually began defending the Supreme Court against his own citizens. "It's a very narrow decision, giving people the right to go to the Human Rights Commission on issues like residency, employment and services," he said. But neither the gay rights lobby nor the pro-family advocates believed him; both sides predict that the legal, political and social repercussions of *Vriend* will be enormous.

The day before the decision, Calgary gay activist Stephen Locke confidently declared that "simply getting in human rights legislation isn't the end of the struggle. It's the beginning...Gays will push for spousal benefits and other kinds of equal treatment following [this] decision." The ruling proved him right. Within days, lesbian foster-mother Teresa O'Riordan was trumpeting the boost *Vriend* gives her lawsuit against Alberta Social Services demanding more foster children (see story, page 29). Edmonton Mayor Bill Smith, meanwhile, was pressured to declare "Gay Pride Day"—and threatened with human rights litigation based on *Vriend* if he refuses. (Last year, the Ontario Human Rights Commission fined the mayor of London, Ont., \$10,000 after she declined to proclaim Gay Pride Day; she was reelected in a landslide victory. The mayors of Hamilton and Fredericton face similar charges. Strangely, however, Mayor Smith said he saw no significance in the *Vriend* ruling as far as Edmonton is concerned.)

As any lawyer, employer or landlord can attest, civil law already grants all citizens protection against arbitrary dismissal from employment or eviction from property. Hence adding sexual orientation to Alberta's human rights code is expected to have little impact on those aspects of the law. Far more significant is the potential impact of *Vriend* in the context of public and private education, community associations, family law and adoption.

Calgary parents who have been fighting gay propaganda in their schools are well aware that in B.C., the human rights code (which already includes sexual orientation) is being used to threaten an elected public school board in Surrey with fines and dissolution because it removed books promoting homosexuality from kindergarten and Grade 1 classrooms. In Toronto, students are obliged to sit through classroom sessions with gay "role mod-

els," explicitly discussing homosexual intercourse. And a York University Education Task Force has recommended mandatory affirmative action hiring of homosexual and lesbian teachers.

Private schools are not immune. Graduates of B.C.'s Trinity Western University, a Christian institution, have been denied certification by the B.C. College of Teachers because the school insists that its students pledge not to engage in any form of extra-marital sex.

Community associations have also been forced to make policy changes or face human rights sanctions. The Big Brothers organization in Ontario, for example, cannot enquire into the sexual orientation of its volunteers.

Last year, the B.C. government gave homosexual liaisons equal status in its family law statutes. Gays now have equal rights to adopt children and obtain custody in divorce actions. Similar changes in California led a judge to grant custody of a teenage boy to his dead father's gay lover, on the grounds that his natural mother was "homophobic."

With *Vriend*, the Supreme Court has set the stage for a confrontation between competing charter rights, specifically sexual orientation versus religious freedom. Commentators tend to assume that religious institutions will retain the right to employ people who respect

their principles (which was the nub of the original dispute between Delwin Vriend and Edmonton's King's College) but maybe not, says REAL Women lawyer Gwen Landolt. "Last year, Catholic Children's Aid in Toronto needed a lawyer, and a gay lawyer applied," she relates. "When they refused to hire him, he dragged them before the human rights commission, and argued successfully that his orientation was irrelevant to that particular job."

The Bible's denunciations of homosexual behaviour have been the subject of discrimination complaints in some jurisdictions, and the conservative media and even individuals may face similar actions in the future. Last month, Catholic activist Sylvia MacEachern came under investigation by the hate crimes unit of the Ottawa police after she appeared on a local radio station criticizing the AIDS curriculum used in Ontario Catholic schools. If the case proceeds to charges, she will face not merely a human rights tribunal, but a criminal court.

—J.W.



Lawyer Landolt:
Freedoms may erode.

permissible, and perhaps even acceptable, to discriminate against individuals on the basis of their sexual orientation." The court's implicit assumption was that Albertans will normally discriminate against any minority characteristic, unless expressly forbidden to do so.

"There are some major problems with this decision," says Calgary lawyer Gerry Chipeur, who intervened on behalf of the Evangelical Fellowship of Canada at the Supreme Court hearing. "First, there's a complete disregard for precedent, and that makes the law irrational, unpredictable, because the court has begun ignoring its own words." In the past, the Supreme Court recognized that provincial human rights codes pre-date the charter, says Mr. Chipeur. "But the provincial codes must mirror the charter now. Not the charter as written and passed by the federal and provincial governments, but the charter as the court now reads it, 'reading in' a protection for sexual orientation that the legislatures clearly and deliberately omitted. In the past, it was enough for an employer to know his provincial human rights code, as written. Now, in order to obey the law, he has to be up on the Supreme Court's latest interpretation of what the Charter of Rights and Freedoms means, from month to month."

The *Vriend* decision heralds a quantum leap



Tense tableau: Politicians McLellan, Klein and Havelock (left to right) at Vriend news conference.

in judicial interventionism in another way, adds Mr. Chipeur. "The charter itself, and every relevant precedent, said that the charter applies only to government," he explains. "The charter is a restrictive document—it restricts the government's rights in order to

leave room for individual rights. Now that it governs the provincial human rights codes, it governs the private sector, something it was never meant to do." The provincial human rights codes were meant to act on the private sector with very limited intent; now

Step up for your tax-funded sex change

Although Alberta has resisted including sexual orientation in its human rights law, in one regard the provincial government has been strikingly progressive. The Alberta government deems sex-change operations "medically necessary," and so transsexuals seeking the surgery can have it done at taxpayer expense. In fact, since sex changes can only be done outside Alberta, the government will pay the air fare of aspiring sex-swappers.

Last week, this magazine obtained copies of two letters from Alberta Health to two transsexuals in mid-gender-reassignment. The two letters, both dated March 4, are identical except that they are addressed separately to patients identified as "T" and "M." "The Alberta Health Care Insurance Plan will provide funding for you to attend Dr. [Yvon] Menard's clinic for the final stage of your sex reassignment surgery," read the letters, both undersigned by Carol Paisley of Alberta Health's Finance and Health Plan Administration Division. Meals and accommodations are not publicly funded, the letters add, but money for transportation to Dr. Menard's Montreal clinic is.

Both patients were referred to Dr. Menard by Lorne Warneke, chief of psychiatry at Edmonton's nominally Catholic Grey Nuns Hospital. "Nature sometimes plays tricks on us and you have a man who feels he's trapped in a woman's body," Dr. Warneke once told a sex-education gathering at the hospital.

Gender reassignment is a long, involved process. Men seeking to become women and women wanting to be men must first live socially in the desired sex role for one year. They must also get the approval of two "clinical behavioural scientists"—teachers or social workers will do—including one who has known them for six months.

While they await surgery, transsexuals often begin hormone therapy to acquire the secondary sex characteristics of their desired gender. Some of the surgeries leading up to the final one can be done in Alberta, says Ms. Paisley, listing "facial reconstruction, electrolysis, chest contouring, hysterectomy,

mastectomy, larynx [adam's apple] shaving." It's hard to say how many of these surgeries there are, claims Alberta Health spokesman Garth Norris, since the reasons for surgeries are not distinguished on bills.

Alberta Health chooses not to distinguish between an oncological mastectomy and a cosmetic one.

For men, the final 2½-hour surgery involves amputation of the genitalia and a "skin inversion technique" that Dr. Menard boasts produces "outstanding" results. For women seeking to become men, the clinic website advises, "you would be best served by our free forearm flap phalloplasty." The

first part of this procedure, performed by two surgical teams over six hours, involves removing a section of forearm, constructing an artificial phallus from it, and attaching it (along with other apparatus) to the pubis. The second part involves creating testicles and "rigidity" function. "With our phalloplasty, your female genitals will be



Psychiatrist Warneke: Passport to phalloplasty.

that the charter can act on the private sector through the provincial codes, there are no limits on what the judges can do with it.

Mr. Chipeur quotes the words of now-retired Supreme Court justice Gerard LaForest, in his 1990 *McKinney* decision: "The exclusion of private activity from the charter was not happenstance. It was a deliberate choice... Only government requires to be constitutionally shackled to preserve the rights of individuals... To open up all private and public action to judicial review could strangle the operation of society, and diminish the area of freedom within which individuals can act."

University of Calgary political scientist Ted Morton calls *Vriend* "the court's most outrageous power-grab to date," and sees the court's acknowledgement of its own megalomania in Justice Frank Iacobucci's rambling, 20-page defence of the court from the charge of "judicial activism." He says the court has unilaterally expanded the scope of the charter from striking down illegitimate things that governments do, to ordering governments to do whatever the court thinks they ought to do. "In this case, they are using the power of the state to affirm the normalcy of

homosexuality, and creating the power to enforce that in everyone's private affairs," he warns. "There's simply no telling what they'll do next, with criminal rights, political rights, or whatever. They've proven that they'll go as far as they can, until someone stops them."

That "someone" was not to be Premier Klein, who apparently could not resist the theatrical, emotional pleading of the gay lobby. His assailants included Mr. Vriend, who uttered the dumbfoundingly graceless comment, "Ha, ha, I win" at the post-ruling celebratory rally in Edmonton (Eyewitnesses report-

ed that Pink Tory Senator Ron Gitter, who was sharing the podium with Mr. Vriend, blanched at those words.) Mr. Vriend then added, "Shame, shame, shame on you, Ralph Klein." There was also gay Coun. Phair crying on television about the "hateful messages" he was receiving from homophobes, though, oddly, he kept no record of the calls and apparently made no effort to trace them.

The *Journal* was especially unrelenting in its editorial condemnation of alleged anti-*Vriend* homophobia. Its editorial cartoonist, Malcolm Mayes, cast *Vriend* opponents as Klu Klux Klansmen, and columnist David Staples likened them to Nazis. The *Sun* newspapers, on the other hand, were vigorously support-

ive of opting out, and in a straw poll the *Edmonton Sun* found 77% of its readership in favour of overturning the ruling. The *Calgary Herald*, meanwhile, refused to run full-page anti-*Vriend* advertisements until all quotations from the *Herald's* own coverage of the story were expunged. Edmonton TV station CFRN refused to run an ad from Mr. Morton's Civil Society group, and self-described civil rights lawyer Brian Edy of Calgary mused about the need for laws to restrict "misleading" advertisements from groups like CFAC.

Some of Mr. Klein's ministers and MLAs seemed unaffected by the media and gay rights onslaught. Treasurer Day triumphantly declared that "the *Titanic* of the Supreme Court has hit the iceberg of public opinion." But on the eve of the Tory caucus meeting, according to one report from the Legislature, there was a long, loud shouting match in the premier's office between Messrs. Day and Klein that could be heard even outside the sturdy, closed doors. Mr. Day's iceberg had melted by morning, even though reportedly half of the MLAs spoke

against the *Vriend* decision. Mr. Klein said that when it was put to a vote, only a third backed the use of the notwithstanding clause.

"We agreed not to use the notwithstanding clause as it pertains to the narrow scope of this decision," said the premier. "All the Supreme Court decision has done is give people the right to go to the Alberta Human Rights and Citizenship Commission with a complaint in the areas of employment, rental accommodation, public services and public notices, on the grounds of sexual orientation." He then promised that Mr. Day's four-member Ministerial Task Force on *Vriend* (which also includes Mr. Havelock, Ms. McClellan and Intergovernmental Affairs Minister David Hancock) would review the need for protection within various provincial acts, to "alleviate concerns that the ruling could have wider implications." This week, he said, the government will start running advertisement to educate Albertans about "the meaning and impact of the *Vriend* decision." And Mr. Havelock was charged with writing a letter to

federal Justice Minister McLellan expressing the provincial government's reservations about "judicial activism."

Medicine Hat lawyer Dallas Miller, who intervened for AFWUF at the *Vriend* hearing, says the government will not be able to limit the impact of the decision to property and employment law. "Absolutely every future gay rights case is going to cite *Vriend* as its strongest precedent," says Mr. Miller. For exam-

ple, the lawyer for lesbian foster mother Teresa O'Riordan is planning to use *Vriend* to force the government to give his client more foster children. "Mr. Klein can say he's going to keep the decision narrow, but he can do that only if the court lets him," says Mr. Miller. "When it doesn't, he's back where he started, facing Section 33. He's only delayed the reckoning."

CFAC's Beyer says the province's social conservatives are now considering their next move. "A caucus revolt against Ralph is possible, but not likely," he says. "Some PCs must be thinking hard about crossing the floor, and that could kick-start Social Credit or a new provincial Reform Party, but that's their choice." A petition campaign is a possibility, to try to force a referendum in the fall election. "But whatever we do, one thing is for sure. This issue has awakened a sleeping giant in this province. Seven years after the fiscal conservative revolution, it's time in Alberta and in Canada for a social conservative revolution. And the fight's begun."

—Joe Woodard



CFAC's Beyer:
A giant has awakened.



Treasurer Day:
His iceberg melted.

Ralph's line in the sand on a slippery slope

Recent history demonstrates the futility of talking about 'fences' against gay rights

Premier Ralph Klein announced April 9 that he was going to "uphold" the Supreme Court's decision in *Vriend*, which read "sexual orientation" into Alberta's human rights code. He excused himself by stating, first, that the court's decision was "very narrow," and second, that he was "drawing a line in the sand," to prevent the gay agenda from making any further inroads in Alberta's legal code.

He will likely be proven wrong on both counts. First, gay activists are already pushing for expansive interpretations of the law, both in the courts and at the Alberta Human Rights Commission. Second, as recent legal history reveals, legislatures have little or no desire to write the strict and narrow definitions needed to rein in an activist judiciary. Judges have been able to "legislate from the benches," only because legislatures permitted and even encouraged them. If the premier was unwilling to stop the court at the outside threshold of Alberta's legal code by invoking the "notwithstanding clause" against *Vriend*, he will be even less inclined to use it at every further hall and doorway of the law.

"We've seen 30 years of the expansive interpretation of rights," says law professor Howard McConnell of the University of Saskatchewan. "By now, it's dangerous to assume that any law can stand, short of using the notwithstanding clause. Yet governments don't have the political will to use the tools available to them." Governments deliberately adopt vaguely worded statutes to avoid offending either the general public or special interest groups. Given that opening, "the courts and interest groups enter into a symbiotic relation," says Prof. McConnell. "Together they drag the law into sanctioning further rights for special interests. And that's creating a cleavage between the general public and their own judiciary."

Premier Klein has claimed that the *Vriend* decision is narrow because it applies "only" to employment, rental accommodation, goods and services, and public communications. Unlike some other American and Canadian human rights codes, the Alberta law does not

exempt small businesses or basement suites. The religious freedom clause applies only to the "bona fide occupational requirements" (BFORs) of religious institutions, not to the private beliefs of individual citizens. So, as the law now stands, there is no room for "conscientious objection" to unorthodox sexual practices. The Supreme Court has set the stage for a battle between religious and sexual rights.

continues. And lawyers are already warning Alberta firms that they must extend spousal perks to same-sex couples. In its *Egan* decision (1995), a four-judge plurality agreed that governments can limit spousal benefits to heterosexual couples, given the state's interest in child-bearing marriages. But Alberta's government must have the will to "do the deed," limiting the definition of "spouse" in its law.

Medicine Hat lawyer Dallas Miller, who intervened in *Vriend* for the Alberta Federation of Women United For the Family (AFWUF), says "services" remains undefined in Alberta's Human Rights, Citizenship and Multiculturalism Act. "Ottawa governs the terms of marriage and divorce, but provincial governments provide the service of 'solemnizing' marriages," he says. "A gay couple could now demand a marriage licence. An Ontario gay couple already has, and their case stalled only because they broke up."

In announcing his "line in the sand," Premier Klein said the *Vriend* ruling "does not change the law or government policy on same-sex marriage, adoption rights, school sexual education curriculum, or pedophilia." However, like "marriage licences," school instruction and resources might count as "services," as might the adoption or fostering of children. Still, given the Human Rights Commission's comparatively limited powers, Mr. Miller suspects that gay activists will see bigger gains

in taking the *Vriend* precedent back to the courts to win gay access to schools and family services. *Vriend*'s real danger lies in its use as a legal precedent, leveraging more gay rights. "If Ralph Klein really wants to use a line in the sand, to stop our sliding down this slippery slope, he'll be the first politician in history to try it," Mr. Miller quips.

Indeed, history suggests that professional politicians have little or no desire to rein in activist courts and they see no advantage in hammering out strict definitions. The slide down the slippery slope of boundless rights actually began 30 years ago, when then-prime minister Pierre Trudeau and justice minister John Turner introduced their Omnibus Bill



"A California Christian woman refused to rent an apartment to an unmarried couple—the *Smith* case," says Gerry Chipeur, who intervened in *Vriend* for the Evangelical Fellowship of Canada. "She could not condone fornication. But the court decided the couple's sexual rights trumped her religious rights; so she either had to rent or sell out; and she felt compelled to sell." In their owner-operated businesses or basement suites, Albertans with religious objections to unconventional sexual practices are now at the mercy of the human rights commission.

On a different tack, pensions and benefits are a "condition of employment," Mr. Chipeur

into the House of Commons, liberalizing abortion (along with gambling and divorce) and decriminalizing homosexual acts. During the debates on the abortion parts of the bill, Mr. Turner denied that the government supported or even condoned abortion. Abortion was to be permitted only for the "health of the mother." Yet, despite much parliamentary pressure, he refused to define the term "health." Within a year, the so-called therapeutic abortion committees were approving abortions for emotional discomfort, and they soared from 542 in 1969, to 11,000 in 1970, 30,000 in 1972, and over 100,000 a decade later.

Back in 1969, Mr. Turner also denied that his bill endorsed sodomy, denied that it promoted sodomy or even that it legalized sodomy. A Creditiste MP warned—jokingly—that the bill would result someday in legalized homosexual marriages—and he laughed. Yet under the umbrella of Mr.

Trudeau's quip, "The state has no place in the bedrooms of the nation," the bill was sold as a respect for privacy. So, as *Edmonton Sun* columnist Mike Jenkinson observes, "in 30 years, we've gone from abortion being outlawed, to abortion being permitted, to abortion being a tax-subsidized right. From sodomy being illegal, to homosexual acts being permitted, to an undefined 'sexual orientation' being a right, demanding a civic parade. That's privacy?"

Most judicial activism may arise from government neglect, but some results from government intent. In March, the Supreme Court heard arguments in *M v. H*, to decide whether provincial marriage laws unjustly discriminate by issuing marriage licences only to opposite-sex couples. The hearing reached the issue of "remedies"—what should be done if the court rules against existing law. Chief Justice Antonio Lamer was shocked when the Ontario government refused to ask for the min-

imal remedy—temporary suspension of the law, to give the government time to amend it and maybe save traditional marriage.

"The government's lawyer said the province didn't want suspension, that the court should simply go ahead and read-in 'same-sex' into the marriage law," reports Toronto lawyer David Brown, who intervened in *M v. H* for REAL Women. "Suddenly, the discussion got heated. Lamer and [Supreme Court Justice Frank] Iacobucci accused Ontario of putting the court in an awkward position, where the headlines would blame them for instituting same-sex marriages. But the government lawyer had his instructions, requesting just that." The lesson, Mr. Brown concludes, is that governments have the judicial activism they encouraged. And it might also be said that for failing to hold their governments accountable, the people of Canada have the governments they deserve.

—Joe Woodard

Gays for family values

A Toronto homosexual campaigns against special rights

It is widely assumed in the media and gay-friendly heterosexual circles that homosexuals are universally supportive of the gay rights movement. In their 1995 *Egan* and 1998 *Vriend* decisions, for example, the Supreme Court of Canada accepted uncritically the notion that homosexuals are a "distinct and insular minority," suffering widespread and systemic bigotry and discrimination. But the court has never heard any evidence to that effect. The court has never enquired whether the demands they face from gays and lesbians might not be simply the self-seeking agitation of a vigorous but unrepresentative lobby.

"Gay and lesbian activists are less, much less, than 1% of the homosexual community," says Toronto journalist John Mckellar. That assertion, by itself, sharply contradicts conventional wisdom. Even more startling, however, is the source. Mr. Mckellar is a homosexual, and director of a fledgling lobby called Homosexuals Opposed to Pride Extremism (HOPE). "The activists are noisy caterwaulers, and their organizations have impressive acronyms, like EGAL and GALA, but they could hold their monthly meetings in a phone booth," he says. "They're caught up in their shallow, narcissistic sexual self-expression, so they demand the right to make the whole world their closet. But they don't really speak for most homosexuals."

Mr. Mckellar's organization arrived on the national stage on Saturday, April 18, as part of a full-page advertisement in the *Globe and*

Mail, circulated to 320,000 homes nationwide. The \$24,000 ad was purchased by Toronto evangelist Ken Campbell to protest the Supreme Court's ruling in *Vriend*. In it, Mr. Campbell rebukes the court for "imposing bathhouse morality" on the churches and homes of the nation. The bottom third of the ad includes "A Manifesto of Hope" from HOPE, speaking for the "civilized majority" of homosexuals, who seek to live their lives with "dignity and discretion," cherishing "the traditions, institutions and values upon which Canada was built." The manifesto rejects "the nihilistic agenda of the radical, militant homosexual fringe" and its "undemocratic and destructive tactics." It condemns "all efforts to seek special rights based on sexual orientation as socially and culturally subversive."

"For years, like most gays, I just ignored the activists, because they had nothing to say to me," says Mr. Mckellar. "The privacy and harassment issues were settled in the early 1970s, and since then, it's all been about privileges, benefits and political influence. But a movement must know its limits. Some day there'll be a backlash because the activists are going too far." In its manifesto, HOPE insists that the legal definitions of marriage and spouse remain heterosexual, to protect the "traditional family unit." It recommends that homosexual support organizations be forbidden from disseminating gay propaganda in the schools, that the final authority in sex education rest with parents, that the



HOPE's Mckellar: Pro-civilization.

age of consent for sex be raised to 16 years (and for anal sex, to 18), and that HIV, hepatitis-C and AIDS carriers be monitored by government health and welfare agencies to protect the public.

"Gay militants have accused me of not really being homosexual," Mr. Mckellar laughs. "Like somebody would really go out of their way to be rejected by both the straight and gay communities. But the only people that irritate me more than gay activists are all the gay-positive heterosexuals. Homophobia is just a contrived slander, to hide gay truthphobia." For the best understanding of

gay politics, he recommends psychiatrist Jeffrey Satinover's book, *Homosexuality and the Politics of Truth*.

When Mr. McKellar is asked how he understands his own homosexuality, he replies frankly, "There's always been a small fraction of the population constitutionally homosexual. It seems to be something like alcoholism, partly inbred but not really very healthy." Yet he denies being a so-called "self-loathing gay." When it comes to the "gay lifestyle," he says, "Been there, done that. I

'A movement must know its limits. Some day, there'll be a backlash, because the activists are going too far.'

—John McKellar,
Homosexuals Opposed to Pride Extremism

haven't been a saint all my life, and I'm not always one now. But I see no reason to upset the traditions and policies of the whole country to suit my inclinations." He hints that he was lonely, growing up in the small Ontario city of Owen Sound; but he also insists that "short people are picked-on worse than gays, and fat people, worse yet. The real self-loathing gays are the ones who think they're the only picked-on people in the world."

Although Mr. McKellar and HOPE appeared on the national stage only last month, he and his friends have been gadflies around the Toronto gay scene for over a year. "We've picketed Gay Days at Canada's Wonderland [amusement park]," he says proudly. "And publicly opposed the gay-friendly candidates in the last school board election." Since early 1996, he and friend Gary Plamondon have been publishing *The Politics of Reason*, a 16-page, newsletter with 300 subscribers and newsstand sales justifying a 5,000-copy press run. The "POR's" latest edition reflects its neo-conservative disposition. It condemns "multiculturalism" as social engineering, prints verbatim Preston Manning's response to the 1998 federal budget, and offers "14 Rules for Spoiled Teenagers." HOPE is just beginning to develop its formal membership, according to Mr. McKellar, but it already has contacts throughout urban Ontario, British Columbia and the Maritimes.

"It doesn't insult me, as a gay man, to say our society needs to protect and nurture the heterosexual family," he says. "Children need mothers and fathers, and anything else is child abuse. The survival of civilization depends on its children. And I'd prefer to see our civilization endure."

—Joe Woodard

We're all liberals now

Back in 1988, when Ralph Klein was still mayor of Calgary and Jon Havelock was on city council, the two set up a hospitality suite at a Liberal Party convention in Red Deer. It was several months prior to the Grit leadership vote that chose former Edmonton mayor Laurence Decore. But at the Red Deer convention, big black and white buttons labelled "Ralph 88?" were spotted on more than a few lapels, heralding a potential Klein leadership bid that, in the end, failed to materialize.

In light of that history, no one—least of all Messrs. Klein and Havelock—ought to have been surprised by the election of former Conservative cabinet minister Nancy MacBeth as leader of the Alberta Liberal Party. With an ex-Grit running Alberta's Conservative government, it is only fitting that the opposition Liberals select a former Tory to lead them.

Mrs. MacBeth, who was known as Betkowski when she was a Conservative and minister of both education and health under former premier Don Getty, converted to Liberalism some time after she lost the Tory leadership to PC-convert Klein in 1992.

At the Liberal convention April 18 in Edmonton, Mrs. MacBeth garnered a first ballot victory with 4,271 votes, or 56% of the total. Her nearest rival was Lethbridge-East MLA Ken Nicol, who polled 2,142 votes. Karen Leibovici, MLA for Edmonton-Meadowlark, came in third with 1,038, and Linda Sloan, MLA for Edmonton Riverview, finished last with 285.

More than 7,600 delegates voted in polling stations scattered throughout the province, ending a remarkably civil contest that stood in marked contrast to the chaotic, acrimonious process that made Grant Mitchell leader nearly four years ago. This time, the Liberals took care to ensure that their leadership campaign was virtually free of controversy and infighting.

Mrs. MacBeth says she changed parties because the Conservatives became too right wing. "The Tory party that I joined in 1971 talked about public funding for kindergarten, world-class healthcare, balanced

economic growth, and diversifying the economy," she says. "I was pretty comfortable with all those things. Under Lougheed it was a progressive conservative party. By 1992, I would say the conservative side took over."

The new Liberal leader agrees with her old Tory colleagues on some things: she supports the decision not to opt out on *Vriend*, for example, and favours continued open access and taxpayer funding for abortion. She parts company with the PCs on education, however, "I am opposed to an increase in private school funding at the same time as the public system is underfunded," and she would vote against VLTs in a plebiscite.

Mrs. MacBeth is evidently aiming for the pink-Tory vote. Pam Barrett, leader of the New Democrats, says the Liberals and Tories are now almost completely indistinguishable. "Liberal, Tory, same old story," she quips. Asked whether NDP voters might be wooed to the MacBeth camp in a 'unite-the-left' movement, Ms. Barrett scoffs derisively. "They did that in the 1993 election, and it didn't work. Left-wing voters won't get burned again."

University of Alberta political scientist Allan Tupper says Mrs. MacBeth's

strategy is nothing new. "All opposition parties in Alberta always say, 'The PCs are going to go further to the right, and my party will occupy the centre,'" he says. "That was Grant Notley's argument, and Grant Mitchell's, and it's going to Nancy MacBeth's as well. Meanwhile the Progressive Conservatives sneak to the centre."

"I think the government had the unity of public finance issues for the first part of its mandate, and it put together this new PC party from a complex coalition of the forces that were in place. Those issues were solved more quickly than was anticipated," Prof. Tupper says. "That brings them into a whole new area, and the PCs are moving to the centre. And the plain fact is that it is hard to confront a government when the economy is good."

—Kevin Steel



Liberal MacBeth:
Targeting pink Tories.

LETTERS TO THE EDITOR

An irresponsible judiciary

Re: "When sorry isn't enough," (Mar. 30). Court of Queen's Bench Justice Joanne Veit awarded \$972,800 in damages and legal expenses to sterilization victim Leilani Muir. It is obvious this elitist judge does not live in the same world as most of us. She has no conscience about putting her hand elbow-deep into our pockets to award Ms. Muir a sum which otherwise she would be unlikely to earn in two lifetimes. This outrageous award sheds light on some serious problems with our judicial system.

Lawyers need personal damage cases like fish need water because they mean lots of money. The last thing these people want is an expectation of personal responsibility, a statute of limitations, or the invoking of the notwithstanding clause. The government's ill-fated bill to limit victims' claims to a maximum \$150,000 per claimant did not abrogate any fundamental right except the right to become instantly rich at the taxpayers' expense.

Nothing would give this judicial brotherhood a reality check more than a countersuit by Alberta's weary taxpayers. After all, I have personally suffered \$50,000 worth of trauma as a result of Madam Justice Veit's decision. If the first \$200,000 paid to Ms. Muir came from the judge's own bank account, however, I could possibly survive.

*Allen Iddings,
Willingdon, Alta.*

The rising cost of injustice

Re: "A nation plagued by a creep," (April 6). Oppressive taxation will need to continue if we are to accommodate the hordes of people emerging from the woodwork to have past "injustices" redressed.

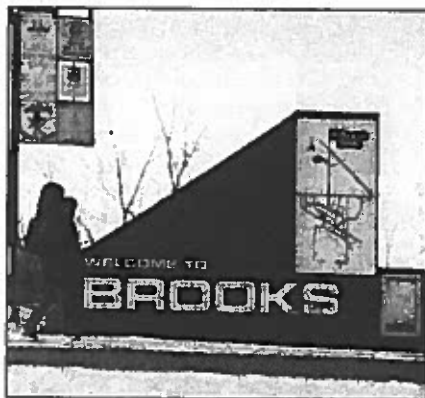
Recently gays have cited past "witch hunts" and demanded an apology which, in time, will become a pecuniary apology. What about everyone who has been subjected to corporal punishment in the "dark ages"? Or those who suffered stress in writing exams? Even scoldings are unforgivable.

Sensitivity is the buzz word of the '90s. If we rub our skin raw with sandpaper, anyone who touches it is hurting us and must apologize. If we would only take our turn with famine and pestilence, our priorities would revert to their proper order.

*John Plumb,
Blairmore, Alta.*

Growth is fun in Brooks

Hats off for your well-researched and balanced report "Brooks copes with low-wage invasion," (Mar. 23). Despite the growing pains caused by a rapidly increasing population, we are coping remarkably well and enjoying it. One organization plans multi-



Brooks town limits: Party town for Newfies.

cultural socials with a variety of ethnic food and music, while the Newfoundlanders in Brooks engage bands from back home for sold-out "Newfie dances."

*Heather Miyauchi, president,
Brooks & District Chamber of Commerce,
Brooks, Alta.*

First things first

Re: Editor's Notes (Feb. 16). Paul Bunner says the Canadian Taxpayers Federation (CTF) and the National Citizens' Coalition are "wasting their time and ours by continuing to bait the political class for over-

spending on itself," and that we should "fry bigger fish." He misses the point. The CTF is not necessarily opposed to higher pay for politicians. However, MPs should first scale back their generous pensions and both MPs and MLAs should pay taxes on their entire salaries, not just portions. Then the issue will be moot for most taxpayers.

*Mark Milke,
Canadian Taxpayers Federation,
Edmonton*

There is sense in separation

Re: "A call to arms against Quebec," (Letters to the Editor, Mar. 23). If R.J. Thomas and other sensible western Canadians really thought about it, we should be cheering for Quebec in its quest for independence from this corrupt and sinking country. The recent order handed down to Alberta by the Supreme Court tells us how low this country has sunk in the past three decades.

Canada is a foul-smelling, diseased, sinking ship which is not worth saving. If Quebec can make the first break, the precedent will be set for the western provinces to cut the rotten cord and follow suit.

*T.A. Madison,
North Battleford, Sask.*

Witnesses work for free

Re: "Another legal assault on religious rights," (Mar. 30). Your report says Jehovah's Witnesses may regret taking action against the Catholic Church because we may one day face "a legal complaint from someone like Delwin Vriend." Such a complaint could never be lodged. The Watchtower Society does not hire anyone to provide material or spiritual assistance to its flock because all such work is done on a voluntary basis by the Witnesses themselves.

It appears the Catholic Church, in spite of its millions of adherents, finds it necessary to hire non-Catholics to provide services to church members. It is therefore not difficult to understand why Catholic services suffer.

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K.N. Knutson,
Moose Jaw, Sask.

Spare the criticism

Re: "Spare the spatula, spoil the child," (Mar. 30). Your report has a twisted perception of logical, balanced and extremely practical books which show how to train children to become thoughtful, respectful members of society. My husband and I have read *On Becoming Babywise*, *Babywise II* and *Growing Kids God's Way*, and can only conclude you have chosen to grossly slander the authors, Gary and Anne Marie Ezzo.

I am offended by the photograph accompanying your report (because of the anger on the mother's face as she spansks her child) and by the accompanying headline "More spanking and less cud-



Parental discipline: Effective as biblical chastisement.

dling." Your report also says the authors "say (spanking) can be performed on children as young as 18 months," then immediately makes reference to spatulas and wooden paint-stirrers, neither of which I can find mentioned in the books. On the contrary, the Ezzos stress balance, love, common sense, the context of the moment and age when disciplining children.

The Ezzos go into great detail to teach Christian parents Godly principles of chastisement. They make an important distinction between cultural spanking ("a reaction activated by frustration...[which] has no long-term positive effect,") and biblical chastisement ("a controlled, preplanned response activated by rebellion...not to punish behaviour but to change the attitude leading to wrong behaviour"). They say chastisement is ineffective if parents do not pay equal attention to training the heart. If you are not teaching virtues of love,

honour and self-control, they suggest you *not* spank your child.

Much attention is given in your report to the authors' assertions about infants sleeping eight straight hours by two months of age. I too was sceptical but my baby not only slept, I was also able to get enough rest to be able to peacefully cope with the demands of caring for an infant. I would suggest the reason these books are selling so well is because they work.

Sharmon Crane,
Leslieville, Alta.

Ontario needs Ted Byfield

Re: "The true 'victims' of the Reform Party are finally disclosed—they're the Ph.D.s," (Westview, Apr. 6). Bravo Ted Byfield for exposing Jean Charest's vicious side in attacking Preston Manning and the Reform Party. Your magazine should be here in Ontario. We need your input.

Al Macleod,
via e-mail

First, find the real conservatives

Re: "Headless Tories meet hopeful Reformers,"

EDITOR'S NOTES

Paul Bunner



Normally this column is written in the third person because it purports to speak for the newsroom, but as the following is my own opinion on a rather sensitive subject, I will take exclusive responsibility for it.

In the early 1990s, we began turning our attention to social issues, particularly abortion, gay rights and feminism, correctly anticipating that the so-called "culture wars" that had been raging in the United States would eventually cross the border. Religion, we knew, had to be part of the discussion about these moral questions.

Consequently, we budgeted more space for the Faith and Society sections (at the expense of Sports, People and Crime and Calamity), introduced the Orthodox and Eclectica columns, and hired reporters and editors with

social-conservative instincts.

The new emphasis expanded our circulation among church-goers and proliferators, but there were some unfortunate side-effects. National advertising declined

as the politically-correct agencies in Toronto fled from our relentless butchering of their sacred cows, and more than a few of our secular "redneck" subscribers decamped, saying they still liked most of the magazine but didn't hold with the "religious crap."

Today, it seems to me, our 40,000 subscribers fall into two main camps. The majority are the same ones who've been with us since the beginning: late middle-aged or older, disproportionately rural, likely but not necessarily Christian, western and Canadian loyalists, conservative in every sense, literate and vitally interested in political and cultural affairs.

The second, smaller constituency shares many of the

characteristics of the larger group, but they are also devoted Christians who view the world—and this magazine—through the prism of their faith.

As our subscribers are not as philosophically homogenous as they once were, the risk of offending one faction or the other with our stories and opinions has risen accordingly. In a way, our situation mirrors the larger political scene. Canadian conservatism fractured between the Reform and Conservative parties, just as Alberta conservatism is fracturing between the Klein Tories and whichever political organization emerges to provide a home for the social conservatives.

Like the politicians, we offend some of our supporters occasionally, and in our case it tends to be the devout Christians. In recent weeks, we have been raked by subscribers angered by stories as diverse as "Honky Tonk Survivor," the spicy life story of rockabilly musician Dick Damron, and "Ralph's New Friends," which examined how Premier Klein had capitulated to

the Supreme Court and the gay rights lobby.

At the risk of sounding petulant and pleading, I think the criticisms (and a few cancellations) were unreasonable. Some Christians would have us exclude facts and images from our stories that they find distasteful. There are boundaries, of course, and sometimes we stupidly and unnecessarily transgress them. But the readers who, for instance, berated me because we ran a picture of Delwin Vriend and his boyfriend on the "Ralph's New Friends" cover were not simply debating the boundaries of taste. They were saying, in essence, that they do not wish to see that which they can neither tolerate nor comprehend.

This is irrational, in my view, and in its own way as reprehensible a submission to decadence as Mr. Klein's rollover. Faith by itself will not change the world, but combined with political engagement and activism, it just might. We need each other in this good fight. So please, don't shoot the messenger.

(Apr. 13). Uniting the right in Canada could be an impossible task. The three oldest parties—the Liberals, Tories and New Democrats—are all on the far left and think alike on most issues. The Reform Party may be interested in saving money, but it champions socialized healthcare and would develop its policies on moral issues by polling our post-modern culture. Canada has become like Scandinavia, where all political thought is so far to the left, a real conservative is unrecognizable.

Real conservatives are in favour of small government and low taxes. They also believe in private property rights, the absolute right to life from conception to natural death, the importance of protecting the traditional family unit, and the right of parents to choose their children's education. These are principles no decent person should compromise to gain popularity or power.

Before we can unite the right, we must first identify the real Canadian conservatives.

*Richard Patterson,
Ponoka, Alta.*

Klein loses another vote

Re: "Ralph gets moral, and Alberta gets gay rights," (Apr. 20). Fie on Ralph Klein and his spineless approach to policy-making. "Let the courts decide," is an attitude I cannot condone in politicians. If Mr. Klein and his caucus do not value the right of a religious group to defend its values, then they are not going to get my continued support.

The legal profession continues to profit from this lack of decisiveness by politicians and the lack of clarity in our laws. Lawyers, who from a moral standpoint should always be striving to make the laws clear and free from "legalese," instead help keep them complex, ambiguous and difficult to interpret. We need judges who have proven track records of responsibility to society, and are also able to stand up to continued scrutiny. Decentralized appointment processes with broad input and appropriate review processes are sorely needed.

*Patrick M. Duffy,
Lethbridge*

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