

GATEWAY features

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Prof. Mathews Explains Why 'Alberta Has Become Most Corrupt Province'



"Power corrupts, absolute power corrupts absolutely."

Professor Robin D. Mathews has been a controversial figure on campus for 15 months. Few have ventured beyond the controversy to the ideas that sparked it.

Today Professor Mathews has his say. Tomorrow—who knows?

Parliamentary democracy in Canada is a system the ends of which are liberty, justice, and freedom of initiative for all men. The system depends upon the conflict and balance of responsible forces. Ends are achieved by the "traditional" means among "free" societies possessing parliamentary government. Citizens are represented by members of a legislature which is made responsible to the electorate by the elective legislature at large and to the electorate.

The parliamentary system of government and most of the significant political activities in free countries depend upon checks and balances, upon a conflict of responsible forces moving toward generally accepted constitutional ends. Responsible forces in conflict are a **definitive part** of parliamentary government. Responsibility, moreover, is divided among members of cabinet, not only for efficiency, but to prevent the concentration of power in any single person or small group of people.

Democratic free nations assume, without cynicism, that Lord Eldon's comment is true: "Power corrupts—absolute power corrupts absolutely." It is the function of a vital democracy, therefore, to have power checked wherever it is exerted. Government has an opposition. Parliament and members of parliament are checked by elections, the laws of the land, the traditional usages of the nation. The courts test legislation and hesitantly reinterpret legislation as conditions in society change. The courts, as well, provide for "judicial review" or what is commonly known as "appeal" so that within strict limits courts provide checks upon courts.

Whenever the balance of responsible forces is seriously impaired, power tends to concentrate in the hands of one or a few men. If the election system is impaired, corruption enters. Where any one of those forces is weakened, another force, fear, comes into play. Unbalanced power generates fear, which in itself—difficult to record, impossible to measure—serves to increase the imbalance and, inevitably, the corruption.

I have said that since the death of Maurice Duplessis in Quebec, Alberta has become the most corrupt province in the Dominion. Let me consider the statement in relation to publicly available documents and my own documented experience.

I have described electoral distribution in Alberta as "gerrymandered" much to the horror of my (especially Social Credit) critics. They plead that because no action has been taken on gerrymandering exists. The opposite is true. 54.13 per cent of the votes cast in the last election netted Social Credit 95.25



"Unbalanced power generates fear."

per cent of the seats. How is that possible? Observe that in the Glenmore (Calgary) constituency 24,000 people elect one MLA. In Dunvegin (Peace River) 4,000 people elect one MLA. The total effect of such disproportion is too elaborate to discuss here. But in the late 1950's the transferable ballot was eliminated in Alberta. And so was the opposition. My dictionary doesn't have a name for that. Parliament without effective opposition possesses too much power. The Alberta government has no effective opposition. It cannot adequately be checked or reviewed.

Mr. Manning has chosen for a long time to hold the powers of the Attorney-General in his own hands. That power, especially because of its judicial nature, should be separated from the powers of the party leader and premier. Mr. Manning can give no valid reason why he should join the immense powers of the premiership to those of the Attorney General. The mere fact that he persists in holding the position of Attorney-General is suspicious. I believe it is more than suspicious.

The present government of Alberta is responsible for innumerable statutes which deprive the citizens of the fundamental rights of justice. The legislature has set up dozens of appointed boards. They are often without clear policy. Their regulations are often arbitrary, inconsistent, and even secret. Members are appointed (not elected) and

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PHOTOS BY STACEY

LAYOUT BY BILL WINSHIP

make law, by-passing elected representatives. They are not judicial. They often deny judicial rights to people appearing before them. If they make just decisions, they do so as an accident of fortune. They are limitlessly corruptible.

So grave indeed are the dangers that the Alberta Section of the Canadian Bar Association presented a brief to cabinet two years ago asking for relief. Mr. Manning said he would appoint a board to look into the evil of appointed boards. He hasn't lifted a finger. Even in that absurd direction.

The boards—government appointed—decide upon disputes between government and others. Many boards specifically deny the right of appeal, a basic constitutional right. Recourse to judicial appeal is not wholly cut off, but it is made more than ordinarily difficult.

The electoral system is gerrymandered. The traditional balance of parliament has been destroyed, at least temporarily. Repressive legislation has funnelled power away from the line of traditional authority into the hands of a few. Fear has entered as a terrible force.

When we protested Mr. Hawrelak's elec-

"Alberta government has no effective opposition."



tion in 1963, we protested three things: (1) the return by an electorate of a man who abused public trust, (2) the laxity of the Attorney-General's office in not carrying out a full and complete examination of Mr. Hawrelak's activities from every point of reference within the power of the Attorney-General, (3) the fact that no invalidating law exists in cases such as Mr. Hawrelak's.

Some of the results of the event are well known. Some are not. A Royal Commission had found gross misconduct on Mr. Hawrelak's part. A civil suit was won against him by the City. We felt that a full assessment of criminal liability was necessary. If true, we would press for action. We sought legal counsel. Lawyers were afraid. We were directed to some so-called "screwball" lawyers, since, we were assured none of the "respectable" ones would under take the perfectly legitimate investigation. We found one lawyer who was wholly unsatisfactory.

We never could find another. I report the fact with reluctance. Lawyers ran, almost literally, away from us, afraid of the concentration of power in the Province. In the present case we are conducting against Messrs. Mawrelak, Macdonald, Anthony and others for False Arrest, Malicious Prosecution and Conspiracy we took months to find a lawyer. Because of their fear lawyers refused to honour their ethical obligations to society. Reasonable recourse in

law was denied us. Moreover, we received some very questionable treatment from some members of the Alberta Law Society.

It became shockingly clear to us from our experience "counsel hunting" that many, many members of the Law Society of Alberta are controlled by fear of the very power they should be checking.

When my life was threatened over the Hawrelak protest, a police officer who came to my house acted, in response to my report, insolently and unethically, making it clear that he had no intention of defending me because he disagreed with my views. I called for an investigation, and was told it was carried out. I protested that neither I nor my witness was called to any investigation. I was told by the police department, in effect, to mind my own business.

When the student picketers were lawlessly attacked, we had very good reason to believe that the attack constituted organized public lawlessness connected to at least one City Department. We presented a brief to Mr. Manning asking for an investigation. Others petitioned him independently. He stalled,

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refused to investigate, and in the course of his correspondence promulgated falsehoods which had the effect of protecting open, public lawlessness. I wrote him, over a month, four special delivery letters about the matter. He wouldn't reply.

Finally, as if to fill out this report, I attempted in June, 1963, to lay criminal charges against certain powerful people in public life in the Province. I reported my intention to the Attorney-General asking for his direction. He refused, again, to reply. After ten days of waiting I spent a day attempting to lay the charges, as it is the right of any citizen to do. I had to contend with what I judge to be six separate irregularities. I was told I had to see police first. I was taken before the chief crown prosecutor. My witness was turned away and the press excluded. The magistrate I finally managed to reach attempted to elicit evidence before receiving the information. The magistrate then refused to receive the information. And in turning me away, he personally insulted me, to add insult to injury.

My own experience supports the allegations of corruption and mismanagement rife in Alberta. Almost without exception I have not met due process in government and in law but corruption, negligence, and mismanagement. Corruption in a political system has many faces besides the familiar one of graft. The breaking down of the tension among forces that keep society free and just is corruption. The conscious unwillingness on the part of public officials to maintain traditional responsibility is corruption. The abuse of law and procedure to achieve irresponsible ends by anyone is corruption. The acceptance by the electorate of irresponsibility as a way of government is corruption.

I need hardly mention the strange handling of news by the major presses in Alberta. The press outside the Province has had harsh things to say about news handling here. The infamous Alberta Press statute of the late thirties was disallowed. It would have given the Social Credit cabinet power to shut any newspaper it didn't like. The statute was disallowed, but a power as great has evidenced itself in Alberta. Fear, unlike legislation cannot be disallowed. Some kind of censorship, which I can only believe is fear, is in operation here. The Alberta government scandals of the last six months, for instance, have been better reported in Toronto than in Edmonton, Alberta.

I could go on to discuss the use made of the Alberta Treasury branches to "condition" dissenting voices. In the hands of government banks can be dangerous playthings. I could discuss the way in which civil cases are used in Alberta to substitute for criminal actions. But I know those things without documentary evidence. And I stated that I would discuss matters on this page that can be found in public record or in my own documents.



"Electoral system is gerrymandered."



"Law Society of Alberta controlled by fear..."

"Mr. Manning... stalled, refused to investigate."



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