

FREEDOM FLYER

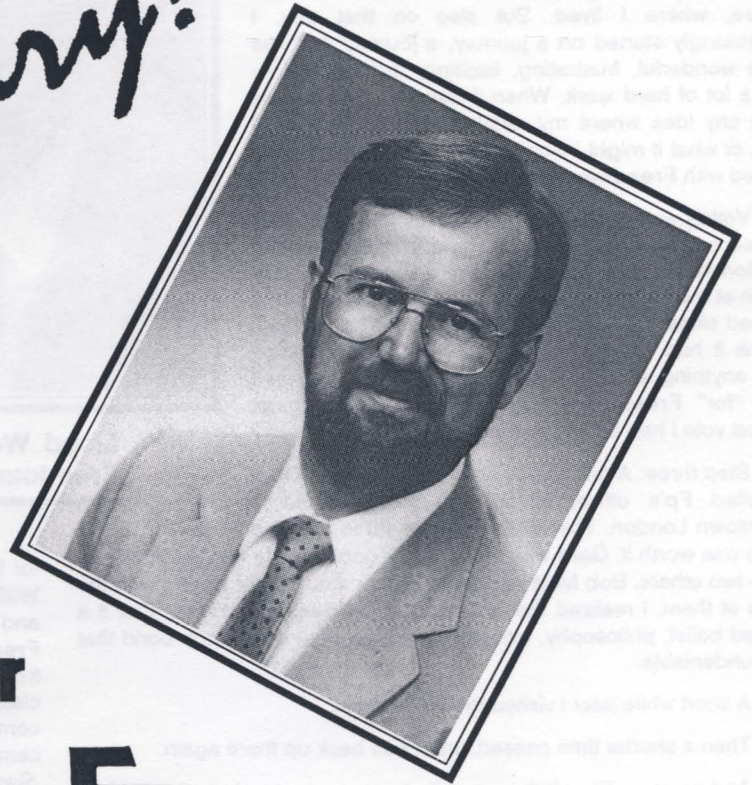
THE OFFICIAL NEWSLETTER OF THE FREEDOM PARTY OF ONTARIO

OCTOBER 1997 #32

Evolutionary!

Party Leader

Lloyd Walker



Inside:

Party Leader Lloyd Walker pg 2,3

Fp Supports Constitutional Challenge pg 4

APEC's Ron Leitch Calls For Action . pg 8

Plus plenty of Freedom Briefs...

Openers...

EVOLUTIONARY

-Lloyd Walker

{Lloyd Walker is Freedom Party's newly-appointed interim leader. Prior to this appointment, Walker served as Freedom Party's Manager of Special Projects and as provincial vice-president. A candidate for the party during the last three provincial elections, Walker's current role as party leader will become the first to be approved and/or contested by Fp membership. (See related coverage, elsewhere in this newsletter.)}

Political activists and leaders are neither born, nor made. They evolve.

For me, it has been twelve and a half years. Over \$14,000. Untold hours of work. And I wouldn't have it any other way.

May 2, 1985. That's when my involvement with Freedom Party began. On that day, I voted for Michelle McColm, Fp's provincial candidate in London Centre, where I lived. But also on that day, I unknowingly started on a journey, a journey that has been wonderful, frustrating, exciting, tedious, fun --- and a lot of hard work. When it began, I didn't really have any idea where my relationship with Fp would lead, or what it might involve. It was an evolution, one I shared with Freedom Party.

Voting was but the first step of my journey. I took my second step when I talked to a fellow named Gordon Mood, who was manning a Freedom Party booth at the Western Fair in London. Four months had passed since my vote. Why so long? I can't really say. I think it had more to do with my personal situation than anything else, because I just knew that the vote I cast "for" Freedom Party was perhaps the most honest vote I had ever made in my 30 year life.

Step three: A few weeks after speaking with Gord, I visited Fp's office, which was then located in downtown London. The climb up those three flights of stairs was worth it. Gord was there (thank goodness, a familiar face!), as were two others, Bob Metz and Marc Emery. Soon, after talking with the three of them, I realized that we had a great deal in common. Call it a shared belief, philosophy, attitude, or values, I felt a common bond that was undeniable.

A short while later I visited the office again.

Then a shorter time passed, and I was back up there again.

And so on.... Time between visits became shorter. Lengths of visits became longer.

Such was the beginning of a personal evolution of activity that has now brought me the honour of being Freedom Party's interim party leader in 1997. I cannot claim it was an uninterrupted evolution. There were certainly times when other things occupied my life, and my activity with Fp necessarily declined. There were times when I was readily available and my activity peaked. But overall, my degree of involvement has steadily increased.

In many ways, my experience is a microcosm of Freedom Party's own evolutionary involvement in Ontario politics.

Thirteen and a half years. Over half a million dollars. Thousands of volunteer hours. In 1984, the year of Fp's founding, contributions to the party totalled \$8,900. In 1996, contributions totalled \$63,400. Since our founding, over 18,000 votes have been cast for Freedom Party. A movement started by a handful of people now has over 2500 supporters.

Certainly not a revolution. But an evolution.

But do those numbers tell the whole story? Not even close. What they do not measure is the impact Fp has had in the political marketplace. They don't say anything about the non-statistical results of Fp's activities --- just as telling you the number of hours I've spent in Fp's office this year (if I even knew) wouldn't give you a true picture of what I've accomplished.

Statistics are not the only measure used in politics. They may be a measure of electoral success but they don't tell the whole story. For proof, consider the influence the NDP has had on politics in Canada. Statistics alone would tell you that the NDP has never formed the government of Canada. But if we let these statistics convince us that the NDP hasn't had any effect on government policy in Canada, we'd be making a big mistake, and gravely underestimating the influence of that party. Similarly, when measuring Freedom Party's influence, numbers alone don't do the job.

Another measure of our success is in your hands. Literally. Freedom Flyer, our party newsletter, is primarily an accounting of what we have done. Take the time to peruse through some of our past issues; you'll discover an incredibly varied list of accomplishments that just continue to grow over the years.

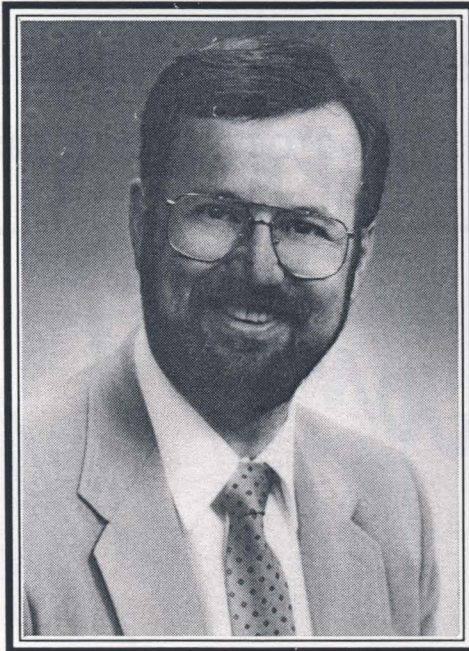
Just look at some of the highlights:


Four provincial elections and a number of byelections; numerous official submissions to government panels; dinner events to honour people fighting

for freedom, people like Ron Leitch, Gordon Domm, Paul Magder, William Trench, Joe Armstrong, Michael Emerling, Walter Block, and William Peterson; numerous workshops and events celebrating Freedom Party and helping our supporters become better activists for freedom; our participation in debates on television, radio, and in school classrooms; the growing use of Freedom Party as a resource for comments and research by the major media; numerous issue-related campaigns, including: No-Tax for PAN-AM, Yes to Freedom of Choice in Sunday Shopping, campaigns relating to unions, monopoly government services, BIA's, official bilingualism, drug laws, constitutional reform, electoral reform, racism and discrimination, health care, justice, taxes, pollution, censorship, and so much more!; and the development of our superb internet website. (I must say, without sounding like I'm beating my own drum, that Fp's site offers more value to its visitors than any of the websites belonging to the other parties in Canada.)

In addition to all of this and more, let's not forget that Freedom Party publishes not one, but two newsletters. Does any other party in Canada have anything comparable to Freedom Flyer and Consent? You know as well as I do that the answer to that question is an emphatic NO!

(OPENERS cont'd on back cover...)



 Lloyd Walker, Leader,
Freedom Party of Ontario

*Fp Leadership and Executive...***WALKER APPOINTED INTERIM PARTY LEADER**

LONDON (April 12, 1997) - In a meeting that saw a dramatic shake-up of our provincial executive, Fp's manager of Special Projects, **Lloyd Walker**, was unanimously appointed **Freedom Party's** new interim leader. (See photo and introductory comments, page 2.) Walker will hold the position until April 12, 1998, by which time a process must be underway to have his leadership either ratified or contested by Fp members, according to the party's draft constitution and by-laws.

Walker's appointment follows the resignation of former party leader **Jack Plant**, whose commitment to the role during and after the 1995 provincial election had been fulfilled. Plant remains active with and for Fp in many other capacities. (Using Fp articles, editorials, and commentaries, he has been personally responsible for generating over 20,000 postings to various political newsgroups on the internet.)

The change in Fp's leadership was accompanied by other changes and additions to the party's provincial executive: **William Frampton**, formerly Fp's Regional vice-president (Eastern Ontario), is now provincial vice-president. New to our provincial executive are **Gordon Mood** (nominated and appointed April 25, 1996) and **Paul Blair**. Mood has been a party supporter since 1985 and worked with the party on a full-time basis during the late 80s. Blair was **Freedom Party's** Election '95 candidate in the Toronto riding of Scarborough North and has been an active Fp supporter since 1986.

More details and profiles of Fp's provincial and riding executive members will be featured in upcoming issues of *Freedom Flyer*.

As of this writing, Fp's provincial executive is comprised of the following members:

Party Leader: Lloyd Walker

Ontario President: Robert Metz

Ontario Vice-president: William Frampton

Party Secretary: Barry Malcolm

Chief Financial Officer: Patti Plant

Executive Officers: Paul Blair, Gordon Mood, Robert Vaughan.

Readers are reminded that we're always looking for good people to get involved with **Freedom Party** at every level, right across the province. Join us! Regional vice-president and executive positions at large are available. Form a constituency association. Organize a group get-together. We're here to help.

For more details just call 1-800-830-3301.

{END}

*Working For Freedom...***FREEDOM BRIEFS**

☞ **PRIVATE MEETING WITH MANNING**

TORONTO (April 21, 1997) - Members of the **Montgomery Tavern Society (MTS)**, including Fp leader **Lloyd Walker** and president **Robert Metz**, met with **Reform Party** leader **Preston Manning** during a 45-minute meeting focused on a prioritized list of seven key federal issues: (1) Official Bilingualism; (2) Official Multiculturalism; (3) Immigration; (4) Equality Under the Law; (5) Charter of Rights and Freedoms; (6) Debt, Deficits, and Taxes; and (7) Distinct Society Status for Quebec.

The meeting, held at the *Sheraton East Hotel* before a planned *Reform Party* luncheon rally there, was also attended by organizer **Dick Field (Voice of Canadians)**, **Jack Edwards (Canadian Communications Corp)**, **Dick and Eileen Butson (Confederation of Regions Party)**, **John Furedy (Society For Academic Freedom)**, **Tom Giglione** and **Wayne Fleming** of the **Progressive Group for Independent Business (PGIB)**, and activists **Morris Gates**, **Jim McKee**, **Richard Hummell**, **Bud Pfaff**, and **Philip Coulter**. (Notably missing from the meeting was **Ron Leitch**, president of the **Alliance for the Preservation of English in Canada (APEC)**, whose absence was one of

the conditions requested by *Reform Party* organizers before the meeting could be held.)

Manning addressed each of the concerns raised by attendees, but chose to begin with the fourth prioritized issue: Equality under the law. "Principles first, policy second", he opened, and outlined Reform's commitment to democratic accountability and bottom-up government.

MTS members were left alone with Manning for most of the 45 minute meeting, which featured candid but cordial discussion, input, and opinion from all around the meeting table. At the close of the meeting, Walker noted that the *Reform Party* had attained official registration in Ontario, and asked if Reformers were planning to enter the provincial arena. Manning confirmed that Reform was indeed registered in Ontario, but assured Walker that the party had no intentions to field provincial candidates during provincial elections.

Details of the discussion with Manning were published as the lead article ('Second Wind' - In Conversation With Lloyd Walker and Robert Metz) of our last issue of *Consent* (#27).



☞ **FREEDOM OF SPEECH DISCUSSED**

GLENARM (May 13, 1997) - The home of **Jim McKee** was again the meeting place for one of his regular monthly community get-togethers for discussion and insight (see past issues, *Freedom Flyer*). This time, Fp president **Robert Metz** shared the focus of discussion with **Paul Fromm**, the well-known activist whose political beliefs (see 'HRC Racist' brief below) led to his being fired from the *Peel Board of Education*, where he had been employed as a teacher. Over 60 people showed up to hear his story, unfiltered by media bias.

Fromm blames the **League for Human Rights of B'nai Brith** for leading a lobby to have him fired, "not for any misdeeds in the classroom --- I've been repeatedly praised as an exemplary teacher --- but because of my political views."

Quoting the December 16, 1996 issue of *Canadian Jewish News*, Fromm cites his evidence: "The Peel board of Education has been asked to determine whether teacher Paul Fromm has violated the board's multicultural policies by associating with racists. ...The

Drug Laws...

Fp SUPPORTS CONSTITUTIONAL CHALLENGE

LONDON (April 25, 1997) - **Freedom Party** became the only political party in Canada to place its official support behind an effort that has been called the most comprehensive challenge to Canada's drug laws ever launched. Our support was offered in the form of a \$500 cheque payable to the '**Hemp Nation Constitutional Challenge**', and was presented to *Hemp Nation* owner **Chris Clay** at his store on Richmond Street in London by Fp representative **Ray Monteith**.

Mounted by Canadian constitutional law expert **Professor Alan Young**, the constitutional challenge stemmed from a May 17, 1995 police raid on Clay's store, *Hemp Nation*, where he was charged with drug trafficking for selling marijuana seeds and seedlings. The court case commenced in London before the Ontario Court (General Division) on April 28.

Clay's case generated coast-to-coast media attention, as an impressive list of expert witnesses from all over the North American continent were brought in to testify in his defence.

Fp OFFERS ADDITIONAL SUPPORT

LONDON (May 12, 1997) - At the entrance of London's courthouse and in the presence of media cameras and reporters, **Ray Monteith** presented **Chris Clay** with a second **Freedom Party** cheque in the amount of \$500 payable to the '**Hemp Nation Constitutional Challenge**'. The second contribution was made in an effort to help Clay defray a \$3000 shortfall relating to expenses incurred in bringing several high-profile witnesses to the trial.

"Simply getting witnesses of this stature before the courts is an accomplishment in and

of itself," said Fp president **Robert Metz** in a media release announcing the contribution. "Even if Clay loses his current case, the Crown will be forced to expose the injustice, illogic, and cruelty of its misdirected drug policies. It will have to justify itself against overwhelming evidence that the prohibition of marijuana is futile and counterproductive."

IMPRESSIVE LIST

That list of witnesses included: federal Agriculture Canada scientist **Ernest Small**; **Gordon Scheifele**, PhD., Research Scientist for the Ontario Ministry of Agriculture at Ridgetown College; **Jeff Shurie**, a former London school teacher and past director of HEMP Canada; **Dr. Patricia Erickson**, Senior Scientist with the Addiction Research Foundation, Adjunct Professor in the Department of

(CHALLENGE...cont'd next pg...)

TRUTH THE OBJECTIVE

6 - St. Thomas Times-Journal, Monday, April 28, 1997

"Young's case is designed to confront Canada's drug warriors with the truth about cannabis," said Clay. This objective just happened to coincide with Monteith's personal campaign (and with Fp's public information campaign) against drug prohibition.

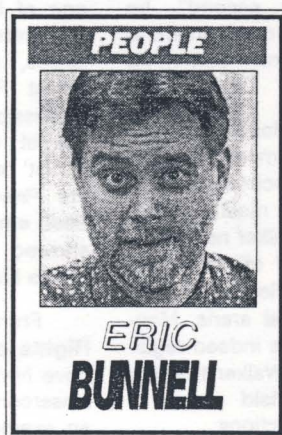
Subsequent to the Controlled Drugs and Substances Act coming into force in May/97, it was provided that the charge of simple possession was within the exclusive jurisdiction of the Provincial Court where the amount involved was not more than 30 grams of marijuana. In addition to charges laid for selling seeds and seedlings, Clay had been charged with possession of 6.1 grams of marijuana found in his home, after another police raid there.

Fp's \$500 cheque represented a purchase of 20 'victory bonds', which were being sold by Clay to assist him with legal costs.

At Right: from the *St. Thomas Times-Journal*, April 28, 1997, and May 13, 1997

RAY MONTEITH doesn't even drink coffee. But though he personally opposes

drug use, the provincial Freedom Party's rep in Elgin now holds 20 Victory Bonds bought Friday to help fund a London merchant's challenge of the constitutionality of Canada's drug laws.



Ray handed \$500 from party coffers to **CHRIS CLAY** on Friday during a media event at Clay's shop, *Hemp Nation*.

He said that makes the Freedom Party the only political party in Canada to support Clay's challenge, which begins today in a London courtroom in connection with drug charges he faces.

In a new essay, Ray says drug abuse is a health and welfare issue, not a crime.

"We must never forget that Canada is supposed to be a free society. We have a Charter of Rights and Freedoms. For that reason alone, Canadians should have the right to use drugs legally, whether you and I like it or not."

(It's a view he also espoused a couple of weeks back as a studio guest on

RALPH BENMERGUI's Newsworld talk show.)

If Clay wins, the Freedom Party's 20 bonds will be redeemable for 1/4 ounce of marijuana each.

Ray says the party will donate the certificates to a cancer clinic or for AIDS research.

Hemp help

By TIMES-JOURNAL STAFF

The Freedom Party has upped its stake in **Chris Clay's** constitutional challenge of Canada's marijuana laws.

Ray Monteith, the party's Elgin representative, met Clay on Monday at the London courthouse to hand over a second \$500 to support the case.

Though personally opposed to drug use, Monteith says it's a medical issue, not criminal.

Clay is charged with possession and trafficking cannabis seeds and plant seedlings, through his London hemp store.

MAY 13 1997

(...CHALLENGE cont'd from prev.pg)

Sociology and Director of the Graduate, Collaborative Program in Alcohol, Tobacco and Other Psychoactive Substances at the University of Toronto, author of a number of books including *Cannabis Criminals: The Social Effects of Punishment on Drug Users*, co-editor of *Illicit Drugs in Canada*, and a founding member of the Canadian Foundation for Drug Policy; **Professor Marie Andree Bertrand**, Professor Emeritus of Criminology at the University of Montreal, President of the International Anti-Prohibitionist League in Brussels, and member of Canada's Commission of Inquiry into the Non-Medical Use of Drugs (the **LeDain Commission**, 1969-73); **Assistant Professor Diane M. Riley** of the Department of Behavioural Science, University of Toronto, Policy Analyst at the Canadian Foundation for Drug Policy, Former Senior Policy Analyst with the Canadian Centre on Substance Abuse, and author of a number of papers on cannabis; **Eugene Oscapella**, lawyer and founding member of the Canadian Foundation for Drug Policy; **Professor Eric Single**, Director of Policy Analysis and Research at the Canadian Centre on Substance Abuse; **Dr. Heinz Lehmann**, Psychiatrist and Professor at McGill University, recipient of the Alaska Award for psychopharmacological research, as well as the Order of Canada, and former Commissioner on the LeDain Commission; **Dr. Lester Grinspoon**, Associate Professor of Psychiatry, Harvard Medical School, recipient of the Alfred Lindesmith Award Achievement in the Field of Scholarship, author of 29 articles and two books on cannabis (*Marihuana Reconsidered* and *Marihuana: Forbidden Medicine*), and editor of the *Harvard Mental Health Letter*; **Neil Boyd**, Professor of Criminology at Simon University and author of *High Society: Legal and Illegal Drugs in Canada*; **Bruce Rosell**, head of the Bureau of Dangerous Drugs in Ottawa (responsible for drug enforcement for all of Canada); **Neev Tapeiro**, founder of Toronto's first medical marijuana buyer's club; **Lynn Harichy**, a medical user who finds it helps her multiple sclerosis; **Brenda Rochford**, another medical user who says it helps her cellular disorder; **Dr. John P. Morgan**, Professor of Pharmacology at CUNY Medical School, and researcher into cannabis and its effects for over 25 years.

The only expert witness appearing for the Crown was **Dr. Harold Kalant** of the Addiction Research Foundation.

{END}

Drug Laws...

MONTEITH QUESTIONS MOTIVES

ST. THOMAS (April-July, 1997) - Fp's representative in Elgin, **Ray Monteith**, has been distributing his essay, 'Drugs Should Be Legalized', to police, politicians, and the media, and has even written US president **Bill Clinton** to state his objections to that country's prohibitive and destructive drug policies. (See last issue, *Freedom Flyer*.) First published by Fp as a separate article, his essay also appeared in Fp's last issue of *Consent* (#27).

Monteith also mailed his essay, along with personal covering letters, to **MP Allan Rock**

✉ **AT RIGHT: Fp's Elgin representative, Ray Monteith**

✉ **BELOW: -from the London Free Press, May 12, 1997 and July 12, 1997.**



(Etobicoke Centre) and **MP Keith Martin** (Esquimalt-Juan de Fuca), and personally handed copies to **MP Gar Knutson** (Elgin-Norfolk) and to the mayors of St. Thomas and London.

"I must say that I do not support the legalization of drugs, as I have seen what that has led to in other countries such as Holland," wrote **London mayor Dianne Haskett** in an April 30 letter to Monteith. "I support the laws as they now stand."

"I don't know what she's talking about," responded Monteith in a media release issued by Fp in May. Monteith, who recently witnessed Holland's liberal drug policies first hand, added, "I didn't see any problems with marijuana there at all. But I did see a lot of freedom, freedom that we do not enjoy here in Canada. When it comes to drugs, (Canadians) are living in a police state."

In a follow-up letter to Haskett, Monteith wrote: "I am sorry to hear that you do not support the legalization of drugs. Given your stand, I can only assume that you would like to see an individual like Chris Clay in jail. Is this so, or am I mistaken?"

"In the hopes that I am mistaken, I would really appreciate hearing your response to this question. However, if you do believe that Mr. Clay belongs in jail, perhaps you could let me know what purpose would be served by this. Your response would go a long way in helping me understand why so many in authority seem to spend so much of their time restricting the personal freedom of others."

As of this writing, Monteith has not received a second response from Haskett.

The London Free Press

Section 3 - News, May 12, 1997

London & Region

TODAY

Hemp fund helped

London hemp store proprietor **Chris Clay's** defence on charges of possessing and trafficking in cannabis sativa will get a \$500 boost today from the Freedom Party, says **Ray Monteith**, the party's provincial candidate in Elgin. It is the party's second \$500 cheque payable to Hemp Nation Constitutional Challenge. Clay's trial moves into its third week today with expert toxicology and constitutional witnesses. Clay has been selling "Victory Bonds" at \$50 each and accepting donations. Before the trial began, Clay said about \$8,000 was in the fund.

MAY 12 1997

Drug-law opinions

I would like to hear from people who believe Canada's drug laws are no answer to the drug problem, and who would like to do something about it.

RAY MONTEITH

JUL 12 1997 St. Thomas (519) 631-7712

(MOTIVES cont'd next page...)

(...MOTIVES cont'd from prev. pg.)

A somewhat more constructive response was received from **St. Thomas mayor Stephen Peters** who, in an April 30 letter, carefully avoided making any comments on the Clay case, and advised Monteith that his concern would be best dealt with at the federal level. Much to his credit, he informed Monteith that his letter and essay were being forwarded to **St. Thomas Police Chief Wayne Howard, Gord Campbell, Chairman of the Police Services Board, and to Roy Main, City Administrator.**

If changes to Canada's drug laws depend upon a federal response, we could be waiting for a long time. As of this writing, no response has been received from MPs Rock or Martin, and the form letter response from MP Gar Knutson was perhaps worse than no response.

In his letter to Knutson, Monteith specifically asked, in referring to Canada's drug laws: "I would greatly appreciate it if you could let me know how you personally feel about this issue. Do you believe our drug laws have actually solved any drug problems? If so, how would you explain the increase in drug use and the crime associated with it? If not, on what grounds would you support the continuation of our existing laws?"

Knutson's response: "I appreciate you taking the time to forward a copy of your letter to me. I always like to hear the comments and concerns of the constituents in our newly formed riding of Elgin-Middlesex-London. If I can be of assistance with another matter of a federal nature, please do not hesitate to contact my office."

It would appear, from the responses (or lack thereof) received thus far, that the municipal politicians who are NOT in a position to change Canada's drug laws seem at least willing to acknowledge the issue, whereas federal politicians who ARE in a position to do something, simply don't want to talk about it.

✍ GET THE DETAILS!

Copies of Monteith's correspondence, and the responses, are available to Fp members and supporters on request. See green box on back cover for details of how to contact us.

{END}

Drug Laws...

"TRIVIAL" FREEDOMS NOT PROTECTED BY CHARTER, JUDGE RULES

LONDON (August 14, 1997) - In a decision following twelve full days of testimony, **Justice John McCart** of the Ontario Court (General Division, Southwest Region) convicted *Hemp Nation* owner **Chris Clay** of possession of marijuana, possession for the purpose of trafficking, and trafficking of marijuana. A charge of cultivation was dismissed.

Although Clay did not succeed in his legal bid to have the charges dropped, McCart's decision nevertheless provided ample ammunition for Clay to pursue his challenge in a higher court.

✍ THE EVIDENCE

"From an analysis of evidence," wrote McCart, "I am able to reach the following conclusions: (1)

Consumption of marijuana is relatively harmless compared to the so-called hard drugs and including tobacco and alcohol; (2) There exists no hard evidence demonstrating any irreversible organic or mental damage from the consumption of marijuana; (3) That cannabis does cause alteration of mental functions and as such, it would not be prudent to drive a car while intoxicated; (4) There is no hard evidence that cannabis consumption induces psychoses; (5) Cannabis is not an addictive substance; (6) Marijuana is not criminogenic in that

there appears to be a statistical relationship between the use of marijuana and a variety of other psychoactive drugs; (8) Marijuana does not make people more aggressive or violent; (9) There have been no recorded deaths from the consumption of marijuana; (10) There is no evidence that marijuana causes amotivational syndrome; (11) less than 1% of marijuana consumers are daily users; (12) Consumption in so-called 'de-criminalized states' does not increase out of proportion to states where there is not de-criminalization; (13) Health related costs of cannabis use are negligible when compared to the costs attributable to tobacco and alcohol consumption."

✍ 'VALUE' JUDGEMENT REQUIRED

Despite McCart's acceptance of these facts and statistics, he cited a 1994 South Australian Royal Commission report which concluded that "The summary of the scientific and medical evidence does not entirely resolve the policy questions, since further value judgements have to be made." (Report of the National Task Force on Cannabis, Canberra, Australia, Sept 30, 1994)

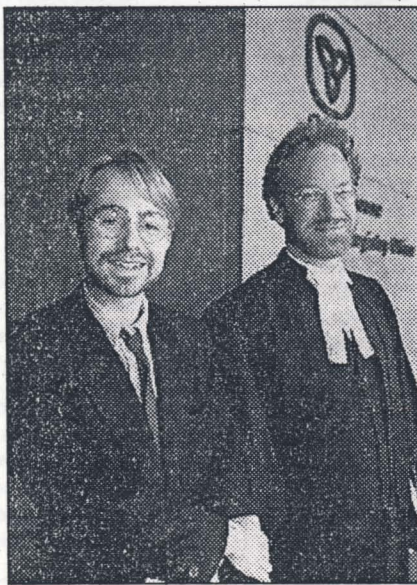
"I can only conclude... ..that the jury is still out respecting the actual and potential harm from the consumption of marijuana," wrote McCart, and ruled that the laws against the "consumption of marijuana" were a justifiable violation of fundamental freedoms under "the Harm Principle". (This could throw the door wide open for the prohibition of alcohol and tobacco, given McCart's acceptance of the evidence that both are far more harmful and addictive than marijuana.)

McCart readily conceded that Clay, by facing criminal charges for the possession of marijuana, had his "liberty and security in grave peril." However, he wrote: "The question is whether the provisions of the Narcotic Control Act under which (Clay) is charged violate the principles of fundamental justice."

✍ 'FUNDAMENTAL' = CONSENSUS

"A mere common law rule does not suffice to constitute a principle of fundamental justice," argued McCart, in his citing of previous court decisions. "...Reference must be

WEDNESDAY, May 21, 1997



SUSAN BRADNAM /
The London Free Press

London hemp store proprietor Chris Clay and his lawyer Alan Young talk to reporters Tuesday during a break in the trial.

there is no evidence of a causal relationship between cannabis use and criminality; (7) That the consumption of marijuana probably does not lead to 'hard drug' use for the vast majority of marijuana consumers, although

(TRIVIAL... cont'd next page)

(...TRIVIAL cont'd from prev. pg.)

made to principles which are 'fundamental' in the sense that they have general acceptance among reasonable people."

With this definition, McCart has made it alarmingly clear that in the court's method of reasoning, "fundamental" means "consensus". Thus, under this definition, a "fundamental principle" is a policy with which a majority agrees, whether or not it is objectively valid.

STATE INTEREST PRIMARY

McCart further cited a legal precedent which placed the state's interest above that of any individual citizen's: "Where the deprivation of the right in question does little or nothing to enhance the state's interest (whatever it may be), it seems to me that a breach of fundamental justice will be made out as the individual's rights will have been deprived for no valid purpose."

Thus, according to McCart's interpretation, if a law "enhances" the state's interest, regardless of what that interest is, the government has a right to violate its citizen's rights. In his decision, he defined the state's interest as "the protection of society".

Because "marijuana is primarily used for occasional recreation," wrote McCart, "one might legitimately ask whether this form of recreation qualifies as of 'fundamental personal importance' such as to attract Charter attention... The Charter does not protect against insignificant or trivial limitations of rights."

In his appeal to consensus as the "fundamental" principle on which the law is based, McCart did not stop at Canada's borders; he cited laws, attitudes, and opinions from around the world: "Nowhere in the western world has trafficking, possession for the purpose of trafficking and cultivation been decriminalized, nor has there been any recommendation (save for one) that this should take place."

His conclusion: "...with respect to marijuana, the prohibition against the possession, possession for the purpose of trafficking, trafficking and cultivation do not infringe s.7 of the Constitution."

On September 5, McCart sentenced Clay to three years probation plus a \$750 fine. More ominously, the court ruled that Clay's confiscated inventory, valued at approximately \$80,000, would be kept by police.

Clay intends to take his charter challenge to a higher court. Stay tuned for further developments.

END}

AUG 16 1997

OUR OPINION

Marijuana should remain illegal

CHRIS CLAY

Found guilty of possession of marijuana, trafficking of marijuana and possession for the purposes of trafficking

Charged in 1995 after selling a cannabis seedling to an undercover police officer

Clay argued that the Narcotic Control Act, which makes possession illegal, interfered with his constitutional right to bodily autonomy, without sufficient evidence of harm to justify the interference

It is not yet time for Canada to decriminalize or legalize marijuana.

Londoner Chris Clay was convicted for possession, trafficking, and possession for trafficking of marijuana, according to the laws as they exist. He decided to use his arrest as a way to challenge Canada's current laws governing marijuana.

The judge upheld the law, as he should. But the larger issue of whether such test cases should prompt a change in the law remains.

Those laws are still supported by society at large, although there is a minority, including Clay and his followers, who don't support them.

What has changed, and may one day lead to a legal change on this issue, is the research into addictiveness and effects of marijuana compared with other substances, such as tobacco and alcohol, that are legal to own, buy, sell and use, with some regulations.

As the judge reviewing Clay's submissions concluded, marijuana's harmful effects are mild in comparison to other illegal narcotics, and could be considered comparable to those attached to alcohol, for instance.

Alcohol, however, is legal, with restrictions on who, how, and where it is sold, as well as laws against driving after drinking. Its use is ingrained in our customs and our society.

Marijuana use, in this society, is not ingrained. The cut-off point of what is considered a legal drug — whether that be caffeine or cocaine — must balance medical evidence about issues such as harm to self and others and addictiveness with public acceptance.

Politicians, and the voters who elect them, need also to consider whether the policing and court costs of enforcing prohibitions on marijuana use outweigh the benefits of maintaining the current laws.

This is one law Parliament should review on a periodic basis, based on changing evidence and changing public support.

But, in 1997, the law should stay put.

ABOVE: An August 16, 1997 editorial from the *London Free Press*, following the Chris Clay verdict, calls for a continuation of Canada's current marijuana prohibition.

AT RIGHT: Fp president Robert Metz responds to *Free Press* editorial --- and the court decision --- in the pages of the *London Free Press* on August 21, 1997.

rebut v.t. force back;
refute, disprove. rebuttal n.

REBUTTAL

Rights, freedoms shouldn't rely on majority view

The issue of marijuana smoking should have nothing to do with how many people use it, and everything to do with whether it should, rationally, be made legal.

By Robert Metz

The writer is the Ontario president of the Freedom Party of Ontario.

The editorial, *Marijuana should remain illegal* (Aug. 16), makes but a single superficial case: that it is quite acceptable for minorities to have their rights arbitrarily restricted simply on the basis of a democratic majority wishing it so.

I strongly disagree.

Whether a "majority" or "minority" of people smoke marijuana is utterly irrelevant to the issue of whether or not they possess the right to do so. Freedom exists in having the right to do something, not in the doing itself.

SHOPPING: A minority of people shop on Sundays, despite the fact that everyone now has the freedom to do so. A minority of people attend church on Sundays, even though everyone has the freedom to do so. A minority of people smoke cigarettes, get abortions, visit prostitutes, use pornography, join religious cults, or otherwise engage in what most "majorities" might regard as undesirable behavior — even though all have the freedom to do so.

Since these activities, per se, do not involve the violation of another individual's rights, none constitute criminal behavior.

I do, however, agree with your premise that it is a judge's duty to uphold the law. But in reference to Chris Clay's constitutional challenge, which law should he have upheld? The

supreme law of the land which guarantees our freedoms? Or a law, openly admitted to be based on irrational premises and outright lies, which restricts our freedoms?

As individual citizens, we have only one mechanism available to protect us from the whims of the state (or of the majority), and that is the courts. It is thus one of the legitimate functions of our courts to strike down unjust laws. There is a history of precedent in this regard.

TRUTH, FACTS: But above all, our courts should be guided by truth, by fact, and by a steadfast adherence to every individual's fundamental rights and freedoms. Surely court determinations should be based upon these objective realities.

To his credit, Justice John McCart accepted the fact that the history of marijuana prohibition in Canada was indeed based upon ignorance and fraud. Regrettably, his decision had no bearing on the facts he accepted, nor on any consideration of fundamental freedoms.

To argue that the Charter of Rights and Freedoms does not protect against "trivial" limitations of rights is to argue that we have no rights at all. What this says about our justice system speaks for itself.

To add injury to insult, the Crown is now seeking a term of incarceration for Clay. In so doing, it is sending a message that dire consequences await those who would dare challenge its arbitrary authority.

If there's one thing that we should all learn from Clay's experience, it's that our rights exist not by right, but by permission only. Unfortunately, your editorial completely supports this premise.

I can personally think of no argument more dangerous to a civilized (free) society.

Freedom...

LEITCH CALLS FOR GRASS ROOTS ACTION

LONDON & OTTAWA (June 20 & 27, 1997) - About 80 Fp members, supporters, and guests came out to hear the words of **Ron Leitch**, president of the **Alliance for the Preservation of English in Canada (APEC)**, at two separate \$50-a-plate Fp dinner events.

"Canada is not a democracy," opened Leitch in his address to both audiences. "It is a dictatorship clothed in Parliamentary garb. As in all dictatorships, freedom, at best, is severely curtailed, and at worst, ceases to exist."

In his presentation, currently entitled "Freedom Or Political Slavery" for publication, Leitch drew a parallel between the erosion of the monarchy in Canada with the erosion of individual rights and freedoms. His theme: that Canadians have lost their freedoms by abandoning the institutions in which they were enshrined.

CROWNING INSULT

Calling Canada's **Charter of Rights and Freedoms** inclusion in the **Constitution Act** in 1982 "the crowning insult of all", Leitch lamented the "partial codification" of Canada's constitution, and outlined the benefits of Canada's previous "unwritten constitution" under the concept of "King-in-Parliament".

"The Charter is not so much a guarantee of rights and freedoms as it is a document which gives the government power to limit, restrict, and remove rights and freedoms from the people," said Leitch. "Under the concept of 'King-in-Parliament, there is a personal freedom, an individual freedom, but under the Charter government has the power to legislate rights and freedoms for groups."

Leitch outlined the historical development of the British monarchy, Common Law, and Parliament, stressing that the cornerstone of

their evolutionary processes remained personal freedom. He identified the year 1926 as the beginning of the decline of monarchical democracy in Canada, with the election of Liberal leader Mackenzie King as prime minister. It was an election "won by the Liberals on the basis of a falsehood".

That "falsehood" is continuing to be perpetuated by the Liberals to this very day, said Leitch:

"Prime Minister Chretien in the last Parliament ignored the customs and conventions of parliament by creating new ministries and changing the names of others without the required reference to Parliament. Millions of dollars were spent illegally. When challenged in the House of Commons, Chretien stated that he had made the changes by Order-in-Council. No such Order-in-Council was found to exist."

"How did we reach this point?" asks Leitch. "It comes down to one of two things or both; that politics and the actions of politicians were ignored by the people, or in the alternative that the people were so trusting of their politicians that they allowed them to act without public scrutiny."

Referring to a "deliberate and concerted effort by politicians... not only to ignore, but to ridicule Canadian history and traditions," Leitch called for pressure to be brought to bear on the Education Ministers of every province to begin instruction about the unique political heritage of Canadians.

"Only when the educational process is underway is there a hope for a successful second step, the repeal of the *Charter of Rights and Freedoms*," concluded Leitch in a tone that was clearly cynical about Canada's current crop of politicians. "Since we cannot expect any government to enter willingly into



ABOVE: Ron Leitch, president of the **Alliance for the Preservation of English in Canada (APEC)**, speaks to Fp members and supporters in London on June 20, 1997.

this educational process, those of us who cherish freedom and responsible government must lead the way." (END)

GET THE DETAILS!

Copies of Ron Leitch's address to **Freedom Party** are available to Fp members and supporters on request. See green box on back cover for details of how to get in touch with us!

Freedom Briefs...

(...cont'd from page 3)

request came from the *League for Human Rights of B'nai Brith*."

Fromm wants Revenue Canada to withdraw the charity status of *B'nai Brith*, arguing that the group is not a charity, but a political lobby. He is urging others to make their views on this issue known to The Auditor, Revenue Canada Charities, 400 Cumberland St., 5th Floor, Ottawa, Ontario K1A 0L5 (FAX: 613-952-6020).

In his comments to the gathering, Metz

stressed that having the right to peacefully disagree with one another is a cornerstone of any free society.

"Freedom of speech is only meaningful if the most offensive and disagreeable comments and viewpoints are permitted to be expressed," he said. "It is not the viewpoints that a majority agrees with that need protection, it is only those views that a minority or individual wishes to express."

Judging by the general responses, questions, and anecdotes of attendees, it would certainly appear that most of the folks in Jim McKee's neighbourhood strongly value their freedom of speech, and are concerned by its

erosion in Canada.

VOTERS AND THEIR GOVERNMENT

GLENARM (June 10, 1997) - At yet another community meeting held at the home of **Jim McKee** (see previous brief), Fp leader **Lloyd Walker** and party president **Robert Metz** were the guest speakers providing a framework for discussion on voters and their governments.

Fresh from the fallout of Canada's federal

(FREEDOM BRIEFS... cont'd on page 9)

Freedom Briefs...

(...cont'd from page 8)

election a week earlier, many of the 50-or-so attendees were questioning the wisdom and workings of Canada's electoral system. Since many were *Reform Party* supporters, their feeling of being left unrepresented even where Reform candidates got a large percentage of the popular vote, such as in Ontario, was quite understandable.

Their concerns opened the discussion to an incredibly wide range of subjects. Walker focused on the mechanisms necessary to improve our electoral system. He advocated the **Single Transferrable Vote** as his preferred form of conducting elections, since it produced a representative government more closely reflecting the popular vote. Metz focused on some of the issues and expectations that voters have about their governments, and described why many of these expectations are unrealistic and cause our governments to fail.

Once again, a good time was had by all, and the stimulating discussion was certain to have left its mark in the memories of most. Special thanks to **Ray Fleming**, for chairing a most cordial and pleasant discussion environment. Our extreme appreciation and thanks is again extended to **Jim McKee**, without whom the opportunity to meet many of the members of his community would not have come to pass. Thanks again Jim!

✉ HRC RACIST, SAYS METZ

TORONTO (June 18, 1997) - About thirty members of C-FAR (Citizens for Foreign Aid Reform) and CAFE (Canadian Association for Free Expression) turned out to hear Fp president **Robert Metz** relate his personal experience with the **Ontario Human Rights Commission**. Both groups are headed by controversial political activist **Paul Fromm**, whose recent firing from the *Peel Board of Education* has become his latest claim to notoriety. (See 'Freedom of Speech' brief above.)

In 1993, Metz (who is not a lawyer) voluntarily defended London landlord **Elijah Elieff** before an HRC Board of Inquiry, where the landlord was accused of racial discrimination based on a printed comment in the *London Free Press* which was quoted out of context. The case before the board was won, but a subsequent Ontario Divisional Court appeal, where the landlord was legally unrepresented, overturned the original decision.

Metz openly accused Ontario's *Human Rights Commission* of being "a blatantly racist organization. It regards all members of 'visible minorities' as being weak, vulnerable, and intrinsically inferior to whites, and proceeds to

enact legislation based on this racist belief." To illustrate his argument, Metz reviewed his experience as reported in past Fp party newsletters. (For full details, see past issues of *Freedom Flyer* and *Consent*, or visit our website at: "<http://www.freedomparty.org/cheyenne.htm>".)

Our appreciation is extended to Paul Fromm, for his kind invitation to speak to his members and supporters.

✉ POLITICIANS WON'T LIKE IT, SAYS PENGELLY

TORONTO (September 4, 1997) - Fp Don Mills Constituency Association president **David Pengelly** made his second appearance as a studio audience guest of the **Ralph Benmergui Show (CBC Newsworld)**. Last time (on February 11), Pengelly appeared with Fp Elgin representative **Ray Monteith** on the issue of drug laws (see *Freedom Flyer* #31, April/97). This time round, the discussion was on welfare reform.

"We know exactly what it takes to reform welfare," commented Pengelly. "Just get rid of union privileges and minimum wages, and cut government interference, taxes, and regulations. The problem is that the politicians won't like it."

Most of the rest of Benmergui's audience appeared to be made up of left-wing social workers and intellectuals who were more critical about "making profits off the poor" than concerned with solutions to the condition of poverty itself.

✉ REFERENDA REPORT DISAPPOINTING

TORONTO (September 24, 1997) - In an official dissenting opinion on behalf of the **Freedom Party of Ontario**, Fp leader **Lloyd Walker** responded to the Ontario government's **Final Report On Referenda**, calling it "a set of badly flawed recommendations."

On September 11, 1996, both Walker and Fp president **Robert Metz** addressed the **Standing Committee on the Legislative Assembly** on referenda. Their endorsement of referenda was quite restrictive. Subject to the condition that a referendum's outcome cannot infringe upon fundamental freedoms, they supported the use of referenda on two issues only: constitutional amendments and issues of taxation. (See *Freedom Flyer* #30, Nov/96.)

"However," says Walker, "the government's final recommendations far exceed those restrictions, and place freedom and individual rights at risk."

In his written report, Walker identified eight major areas of concern, including the

glaring omission of any principle or rule "that would protect individual rights and freedoms from being curtailed by referenda."

Walker also contends that the government's report failed to differentiate between binding and non-binding referenda, that it still allows tax increases to circumvent the referenda process, and that it recommends nothing to prevent a minority of voters from imposing their view on a majority --- or vice versa.

"The extended use of referenda as supported in the government's final report will not make Ontario a better place to live," concluded Walker. "It will only serve to place our freedoms and individual rights in jeopardy."

GET THE DETAILS! Copies of Walker's report, entitled **Our Ontario, Our Freedom Of Choice --- In Jeopardy**, are available to members and supporters on request. See green box on back cover for details of how to get in touch with us.

✉ RULING IRRELEVANT

TORONTO (June 25, 1997) - In a ruling that was largely irrelevant to the primary concern (i.e., the validity of the information being provided) raised by Fp representative **Jim Montag** under a **Freedom of Information** appeal, the **Information and Privacy Commissioner of Ontario** has concluded that the **Ontario Human Rights Commission (OHRC)** conducted a "reasonable search" when providing Montag with financial records. Those records relate to expenses incurred by the OHRC in its pursuit of a racism complaint against London landlord **Elijah Elieff**. (See last two issues, *Freedom Flyer*).

However, despite its conclusion, the privacy commission nevertheless ordered the OHRC to provide records not previously offered under Montag's original *Freedom Of Information* request.

In his seven-page "**Order P-1417**", privacy commission **Inquiry Officer Donald Hale** dismissed Montag's "extensive representations" which questioned the validity of the information that the OHRC had been providing.

"The appellant submitted extensive representations," wrote Hale. "However, for the most part, they detail a series of alleged discrepancies between the expense information submitted by counsel and the progress of the human rights complaint which was the subject of the OHRC's investigation and the subsequent Board of Inquiry and the Divisional Court proceedings. Little of this information is of assistance to me in determining whether the OHRC's search for responsive records was reasonable."

Freedom Briefs...

(...cont'd from page 9)

In his representation, Montag outlined his entire experience with the OHRC, from its initial denial that any records existed at all, to the contradictory information provided intermittently over a period exceeding a year.

Hale's ruling suggests that the Information and Privacy Commission's criteria for judging what constitutes a "reasonable" provision of information has little to do with accuracy or credibility of the information, but with the "reasonableness" of the EFFORT expended to provide the requested information. If so, then there is no third-party mechanism available to pursue an objective of determining the truth, other than the possibility of forcing the matter to court.

Wrote Montag: "Information provided was totally inadequate, incomplete, confusing, and misleading. To us, this appears as nothing other than a deliberate, although futile, attempt at obfuscation."

Although the *Freedom Of Information* ruling has resulted in the provision of additional "information" to Montag, the issue of whether or not that information actually reflects reality has yet to be resolved. Stay tuned to this newsletter for further developments. Copies of Fp's representation, the Information and Privacy Commissioner's Order, and other background information are available to Fp members and supporters on request. See green box on back cover for details of how to get in touch with us!

LEFT-RIGHT-CENTER

LONDON (September 10, 1997) - "Poverty" was the issue on the first edition of "Left-Right-Center", an experimental open-line weekly radio program on which Fp president **Robert Metz** has become a regular guest. As a segment of **CJBK Radio's** highly rated **Talk Of The Town** open-line program hosted by **Jim Chapman**, "Left-Right-Center" airs regularly on Wednesdays at 11:00 am (1290 AM), and features a weekly one hour debate and discussion on the issues of the day from a "left", "right" and "center" point of view.

Metz has been positioned as representing the "right", Chapman the "center", and London legal-aid lawyer and political activist **Jeffrey Schlemmer**, the "left".

"I don't want to make too much out of these 'left-right' labels," says Chapman, "because they are both rather amorphous terms. But in a general sense, I think we understand what they mean."

As of this writing, "Left-Right-Center" has aired six times. Subsequent topics discussed

include: Unions; Health Care; Should the government regulate 'human nature'?; Taxation; How does the left view the right? How does the right view the left?

Each week's discussion is entirely spontaneous, with little time for preparation. On at least two of the six programs, the subject of discussion was agreed upon just as the show credits went to air. Once callers get involved in the discussion, anything can happen, and usually does.

Left-Right-Center is currently being broadcast each Wednesday at 11:00 am on **CJBK (1290 AM)** Radio in the London area. Tune in for a lively discussion! You can even join the discussion by calling **(519) 643-1290!**

Fp WEBSITE - HISTORY ON-LINE

ONTARIO (July 5, 1997) - The last pages of *Freedom Flyer #1*, originally published January 1984, were placed on **Freedom Party's** World Wide Web Site, thus completing our year-long project to get Fp's entire party history and record of action on-line.

Fp Webmaster Greg Jones normally maintains our web site from his home in **Clarksville Indiana**, but was in **London** when the last pages were placed on site. Because early issues of *Freedom Flyer* were published via a typesetting and camera process, they had to be scanned and processed through optical character recognition programs before they could be placed on to our web site. Our special thanks and appreciation are extended to Greg for taking on this massive project.

Judging by the steady increase in traffic to our site, it would appear that more and more people are discovering **Freedom Party**. In November 1996, Fp's Web Site averaged 92 'hits' per day (2,756 total for that month). Ten months later, our site averaged 456 'hits' per day (14,134 for the month of September/97). The 700% increase is encouraging, particularly since the more 'active' features of our site are yet to be initiated, including our 'feedback' section ('Freedom Forum') which will feature much of the e-mail questions, comments, and criticisms which we have received and already personally replied to.

Readers are encouraged to visit **Freedom Party's** Web Site at the following address:

☞ **"www.freedomparty.org"**

VAUGHAN ELECTED PRESIDENT OF ONTARIO PC RIDING ASSOCIATION, DIRECTOR OF REFORM ASSOCIATION

LONDON (August 9, 1997) - Fp executive member **Robert Vaughan** was elected president of the *London Fanshawe Progressive Conservative Riding Association*, having joined the Ontario PCs just a few months before.

"In no way should my association with the Ontario PCs be viewed as a splitting of loyalty between **Freedom Party** and the Conservatives," commented Vaughan. "I see this as an opportunity to influence the government in power. I think they could use some help and advice from someone who would make decisions based on the principles of individual freedom and a limited government. To that end, I have offered to help them out."

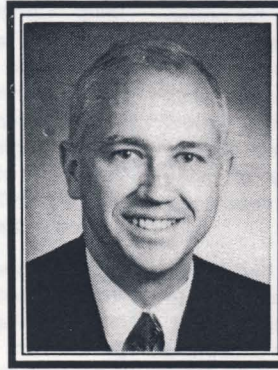
Vaughan has also become an active member of the federal **Reform Party** by becoming a director of its **London Fanshawe Riding Association** on October 1st.

"Like many Fp members, I've been a supporter of Reform for many years, and was actually one of the first to join that party in Ontario. While federal politics has never really been a personal passion of mine, I believe that Reform is the rightful heir to the "conservative" seats in the House of Commons. Federally, choosing Reform was an easy decision to make."

VAUGHAN ANNOUNCES RE-ELECTION BID

LONDON (September 5, 1997) - Fp executive member **Robert Vaughan** announced his candidacy for re-election as Board of Education Trustee in the November municipal elections in London. Vaughan, who was first elected in London's Ward 4 to serve as a Trustee on the **London Board of Education**, must now run city-wide for a seat on the newly amalgamated **District 11 Public School Board**.

"Education is my first passion in politics," said Vaughan. "As a witness to the mental abuse that has been inflicted on the children of this city by the government education system, I could not sit idly by and watch it continue. While the role of trustee will not be as



ABOVE: An Fp executive member since 1990, **Robert Vaughan** tendered his resignation on October 8, 1997. (See brief on page 11.)

Freedom Briefs...

(...cont'd from page 10)

influential as it has been in the past, there is still much I can do as a member of the school board."

Vaughan has become widely known in London as a fresh voice of reason at the London Public School Board. Often on side with fellow trustees Ab Chahbar, Rob Alder and Tom McClenaghan (all of whom have chosen to seek city council seats in the November election), Vaughan was often quoted by the press acting as a sort of unofficial "opposition" to the majority members of the Board.

Vaughan successfully fulfilled his 1994 campaign promises of acting fiscally responsible and championing the "back-to-basic" approach to education. He opposed every tax increase the Board made over the past three years. He opposed the \$50 million renovation and down-sizing of Beal Secondary School

(the single largest education capital project in the province). He was also instrumental in putting "phonics" on the agenda of the Board. With a motion by Vaughan, the Board recognized "phonics" as a "fundamental" component of reading instruction rather than simply another "clue" in the guessing-game approach used in "whole-language".

INVITATIONS

LONDON (September 29, 1997) - London area Fp members and supporters received a special invitation from party president **Robert Metz** to attend a campaign fund-raising event for Fp executive member **Robert Vaughan** to be held October 10. Vaughan is running for re-election as trustee (see previous brief).

We wish Robert success in his re-election campaign. Any Fp member who is able to help Robert with either a financial contribution or on a volunteer basis is asked to call him at (519) 451-8613.

VAUGHAN RESIGNS

LONDON (October 8, 1997) - Due to his new position on the PC executive (See brief, page 10), Fp executive member **Robert Vaughan** tendered his resignation from **Freedom Party's** provincial executive.

"I want to avoid the appearance of conflicting political roles," he explains. "I cannot appear to be supporting two competing political organizations at an executive level, though I see no problem in retaining my membership status with Fp. I would like to thank Fp leader **Lloyd Walker**, president **Robert Metz**, and other Fp executive members for their friendship and commitment to freedom."

"Although we are saddened and disappointed to see Robert leave the executive," responds Fp leader **Lloyd Walker**, "there is still much that we can do together. We will continue our long-standing tradition of working with other individuals and groups, on an ad hoc basis, wherever common goals and objectives exist, regardless of political affiliation." (END)

BY NATE HENDLEY

I was standing on the steps of the London, Ont. provincial courthouse on Aug. 14 when Marc Emery stepped out of the building and began handing out marijuana.

"If you want freedom, you just have to take it," explained Emery, as he and several eager takers sparked joints in front of a crowd of journalists.

With a reefer of California Orange burning in his hand, Emery, publisher of *Cannabis Canada* magazine and owner of Hemp BC, the best known head shop in the country, launched into a monologue about the pot trial he just witnessed.

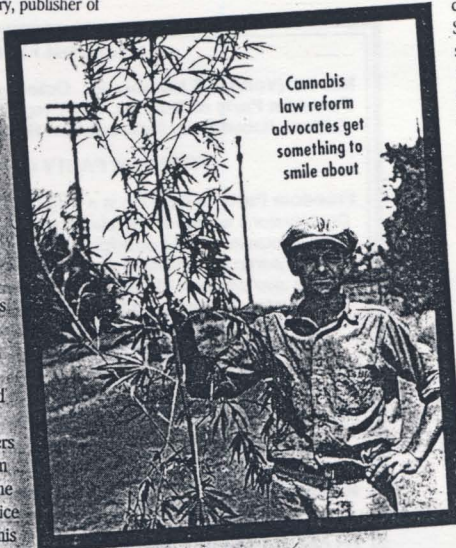
"The judge was plainly a coward," said Emery to the scrum. "He didn't defend our rights." Emery offered a choice slander against the judge's family which I won't repeat, then announced.

Emery and about 80 other people, who ranged from hippies and street youth to suit-clad members of the libertarian Freedom Party of Ontario, had come to London to witness Justice John McCart pronounce his verdict against Chris Clay.

In May, 1995, an undercover police officer entered The Great Canadian Hemporium (later known as Hemp Nation), Clay's pot paraphernalia and cannabis information store, and purchased a two-inch female hemp clone. Clay insisted the plants he was selling

contained "no THC, or only trace amounts," but police raided his London store and residence anyway, charging him with possession of marijuana, cultivation and trafficking.

Clay then hooked up with Osgoode Hall law professor Alan Young, a long-



time drug critic of Canada's drug laws. Along with Toronto lawyer Paul Burstein, Clay and Young launched a legal challenge aimed of marijuana laws.

The constitutional challenge consisted of three main elements: the right to privacy, the right to "bodily integrity" (mean-

ing the right to make decisions that effect your body — i.e. inhaling pot smoke) and what Young called the "arbitrary placement" of marijuana in the Narcotic Control Act with hard drugs like heroin and cocaine.

As precedents for the case, Young cited a 1975 decision by the Alaskan Supreme Court which legalized pot smoking in private dwellings and the 1988 ruling by the Supreme Court of Canada which overturned Canadian abortion laws.

Young also tried to prove pot had legitimate medicinal uses and that laws against recreational smoking violated the Charter of Rights of Freedoms.

The challenge failed and Justice McCart found Clay guilty on three counts of trafficking and possession. Clay was acquitted of cultivation while all charges were dismissed against Hemporium employee Jordan Prentice, who had also been arrested for possession and trafficking.

In his ruling the judge conceded that marijuana was "relatively harmless," didn't lead to hard drugs or psychosis and might have some therapeutic benefits. Justice McCart spoke positively of decriminalization

efforts in Europe, the United States and Australia whereby possession cases are treated as minor, ticketable offences that don't result in jail time.

While in favor of reform, Justice McCart said only politicians, not judges, had the authority to change drug laws and he urged Parliament to take a "second

look" at statutes forbidding marijuana use.

RADICALS VS. GRADUALS

The trial over, splits within the pot movement have become more apparent. On one side, radicals such as Emery view the trial as a farce and pledge civil disobedience.

Robert Metz, leader of the Freedom Party, which gave Clay \$1,000 to support his challenge, has said on previous occasions that "marijuana should have the same legal status as asparagus." This position may be seconded by many pot smokers, but is unlikely to win many converts in the wider public.

It seems to me that a combination of well-planned court challenges with realistic goals (Clay and Young were solely concerned with legalizing pot, not all drugs), is an excellent method of getting media attention while pressuring the government to liberalize marijuana laws.

Smoking pot on the courthouse steps and talking about repealing all drug laws might make good street theatre but won't impress the audience that matters: politicians in the House of Commons who, as Justice McCart points out, are the only people can trigger a "green revolution" and legalize pot in this country.

Clay himself says he thinks the verdict was "a very positive decision." He plans to appeal Justice McCart's verdict and that the judge's "comments on marijuana's use in treating glaucoma, nausea, AIDS wasting, etc. have opened the doorway to a separate challenge based on medical grounds."

Indeed, only days after the Clay verdict was reached, Lynn Harichy, a London, Ont. woman who has multiple sclerosis, told the *London Free Press* that she plans to launch a constitutional challenge to legalize medical marijuana. ☸

One for the pot

☸ **ABOVE:** -from *Eye* magazine, September 4, 1997. Article by Nate Hendley offers some background information on the Chris Clay court challenge. For related stories and articles, see pages 4-7.

(...OPENERS cont'd from pg 2)

We have a track record to be proud of. A track record to brag about. A track record we should --- and do --- brag about. Our *Record of Action* and every back-issue of our newsletters are available in print and on our website. If anyone doubts that **Freedom Party** is a party of principle, they have only to look at the evidence.

Where do we go from here? Our evolution must continue. We must build upon the groundwork laid so far.

As **Freedom Party's** new interim leader, I already have two key objectives in mind: Double **Fp's** income in the next 2 years; Quadruple the number of candidates we field in the next provincial election. These are two goals I believe we must reach. To build our credibility as an electable entity we must field more candidates.

One simple reason many people don't --- or cannot --- vote for **Fp** is because, so far, we have only fielded a low number of candidates. In 1985, **Fp** fielded three candidates. In 1995, twelve. If we do not field the necessary number of provincial candidates to form a government (at least 51 under the new riding distributions) we seriously compromise our electability. The

average voter is reluctant to vote for a party that is not "a contender". Electoral expectations aside, fielding roughly quadruple the number of candidates, let's say 52, will be an accomplishment that demonstrates our serious commitment to shaping the political environment of Ontario.

"To effect change, we all must ACT, be it in providing ideas, contributing money, volunteering to help out, leading a campaign, running as a candidate, etc. Through Freedom Party, we all have the opportunity to become leaders."

Why double the money? Because running in the next provincial election won't be possible without it. 52 candidates need a lot of money to run effective campaigns, over \$10,000 in candidate deposits alone.

How will we be able to do this? There's only one way I know of. I'm counting on you to get involved. Through my own experience with **Freedom Party**, it soon became obvious that if I demonstrated a willingness to put in some work and take initiative, party supporters would be there to help. That was a big part of

my personal choice to stay involved with **Fp**. The same holds true today. Only now, I'm one of the helpers.

Do you have ideas? Share them. Your suggestions may well turn a key that opens a door of opportunity to us. Do you have an issue or project that you would like to see pursued? Call us. We can help. Do you have time? Volunteer it. We need all the help WE can get, too. Do you have money? Contribute. With the generous tax-credits Ontario offers, there's no reason why each of us can't afford to chip in. Every penny counts --- and adds up.

To effect change, we all must ACT, be it in providing ideas, contributing money, volunteering to help out, leading a campaign, running as a candidate, etc. Through **Freedom Party**, we all have the opportunity to become leaders. I encourage you to seize that opportunity, exploit your own potential, and help create a better and freer Ontario at the same time.

Taking the first step is the hardest part, and for many of you, I know, it seems a revolutionary one to take. But rest assured, once taken, you'll discover, as I did, that the next step is infinitely easier.

The rest is evolution.

{END}

Don't rank freedom on left-right scale

A column by David Frum, *Fight left with renewed conservatism* (Sept. 20), and a letter by John Timar, *Freedom resides with the left wing* (Oct. 2), both try to identify freedom with one point on the left-right political spectrum. In that attempt they both make the same mistake. They try to take freedom (the highest standard we can measure a political idea against) and fit it into the left-right spectrum. It doesn't fit.


In general, the right seems to be in favor of economic freedom, while the left would restrict it. The left has a greater concern with personal freedoms, which the right would restrict. Those in the middle simply choose to restrict either economic or personal freedoms to suit their particular

party's tastes. Freedom, whether economic or personal, can only be defended by a party that ignores the left-right descriptions and considers its job to be putting freedom first.

I have been labelled a right-winger, when defending economic freedoms, and a left-winger when defending personal freedoms. In both cases, the people addressing me were correct. That alone should make it obvious that the left-right spectrum is useless in identifying those who would defend our freedoms.

Perhaps we need to look at political ideas and measure them against a different standard than left or right. And that standard is the "only" standard **Freedom Party** uses and the one that Frum and Timar used first: freedom.

LLOYD WALKER
Party Leader
Freedom Party of Ontario

 Above: **Fp** leader Lloyd Walker reacts to two previous commentaries in the pages of the *London Free Press* (October 11, 1997).



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FREEDOM PARTY OF ONTARIO

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