

Judge Thomas Berger – a master of soft power

By Ian Gill

A lot has been written in a very short time recently about the long and storied life of Thomas Rodney Berger, who died last month aged 88. The obituaries of one of the finest jurists this country has ever produced have chronicled a lot of important commissions and headline grabbing cases he led, and rightly so. But they have almost universally failed to reference his personal traits.

I didn't know Berger the Younger. He was called to the British Columbia bar in 1957, when I was barely out of nappies, as we called them in my native Australia. But, I did get to know him a little starting in the '90s. I was lucky enough to recruit him for a time to the board of Ecotrust Canada, and otherwise to see him occasionally over the years at various events, and the occasional lunch.

He was, in a word, avuncular. He had a polished, barrister's baritone, an easy but authoritative way of speaking, ear cocked out of genuine curiosity, a smile never far away. For a big man with a sharp mind, there was a languidness about him that seemed to verge at times on diffidence. In fact, he was a master of soft power.

In his brilliant but incomplete memoir, *One Man's Justice: A Life in the Law*, Berger writes that in high school he decided he wanted to be a teacher, a lawyer or a journalist. "All of those professions have one thing in common – they involve using language; they involve communicating ideas, speaking and writing. I've tried other things, but I've always returned to law."

And thank goodness for that. The country, the world, is a better place because Tom Berger took an interest in justice and, in a statement from BC Premier John Horgan: "That meant he needed to address injustice."

It was journeyman stuff to start out – small claims, administrative tribunals, criminal courts, "defending drug addicts, traffickers, thieves, burglars and prostitutes." When he opened his own practice in 1963, his first client was a man charged with impaired driving. There was only one chair in his office. "Where was the client to sit? Where was I to sit? I couldn't ask him to stand while I remained seated. On the other hand, it would seem peculiar if I remained on my feet throughout. I decided to move the chair to the other side of the



Thomas Berger receiving an honorary doctorate of laws degree from Vancouver Island University in 2013, one of 20 honorary degrees conferred upon him during his lifetime.

desk, then I invited my client to sit down while I sat companionably on the corner of the desk, my hands folded in my lap, in an attitude of confidentiality. Perhaps he didn't notice the absence of furniture."

That was Berger to a T – the kind consideration of the other, the putting at ease of people at their uneasiest – i.e. people, often from the wrong side of the tracks, who found themselves on the wrong side of a system that seemed purpose-built to intimidate. All the more serendipitous that Berger in the 1960s started arguing Aboriginal rights cases. Thus, from a "a pocket-sized office," he wrote, "the land claims industry developed."

The defining Aboriginal rights case not just for Berger, but for Canada, was of course *Calder vs. British Columbia*, which took Berger and the Nisga'a Nation to the Supreme Court of Canada in 1971, which upheld the place of Aboriginal rights in Canadian law.

"Tom filed the writ in the BC Supreme Court in 1969," lawyer Don Rosenbloom told the Vancouver Sun. "It alleged that Aboriginal title had never been extinguished, and the First Nations maintained their ownership of the land."

Her Honour

The Honourable Janet Austin, OBC

Lieutenant-Governor of British Columbia

Orders of the Day is published regularly throughout the year, and is circulated to Association members, all MLAs now serving in Legislature, other interested individuals and organizations.

Material for the newsletter is always welcome and should be sent in written form to:

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The Association of Former MLAs of British Columbia is strictly non-partisan, regardless of members' past or present political affiliation. Founded in 1987, the Association was formally established by an Act of the British Columbia Legislature on February 10, 1998.

Orders of the Day was conceived, named and produced in its early stages by Bob McClelland, former MLA and cabinet minister, following his retirement from office. Hugh Curtis ably helmed this publication up through May 2014.

Thank You and Miscellany

Thank you to those of you who, when sending in your Member dues or subscription renewals, added a donation to help cover production costs for the newsletter.

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From the Editor's Desk

We have bid farewell to so many friends and colleagues this year: Ian Waddell, Bill King, Jim Gorst, Lorne Nicolson, Dave Mercier and, now, Thomas Berger.

My thanks go out to Ian Gill – a former *Vancouver Sun* colleague (circa the '80s) – for his excellent tribute to Thomas Berger. What a resilient, compassionate, driven tower of legal wisdom and social empathy.

And, as always my appreciation goes to my pal Jim Hume who reminds us on Page 9 that he has outlived two “best before dates” as he forges on wordsmithing and cherishing each day with focus, historical perspective and wit. His 98th birthday is coming this December.

As I write this, I am reminded that seven years ago today I celebrated my 70th birthday with many friends at the Canoe Club here in Victoria. One of my best pals took me aside at my party and whispered: “Brian, a lot of your friends lost money today.” It was dark humour at its finest and it made my day. Aging gracefully and realistically is an art to be embraced, not a pursuit for the thin skinned. Best before dates survived and surpassed – like my 70th ... and 77th – must be celebrated every day. The Golden Years are for naught without humour and enlightened resignation.

Enough septuagenarian philosophy.

Several folks, who have been good friends of the AFMLABC and OOTD, contributed this month to keep us up to date on governmental and community milestones: Victoria Foundation CEO Sandra Richardson, Government House Communications Officer Rachel Rilkoff, Legislature Tour Program Officer David Nicholls and former career public servant Rod Silver. Thanks to all of you.

The next OOTD newsletter will be the “Summer” issue (July and August). The deadline for submissions and letters will be on or about July 10th. Please send us a photo of your summer BBQ or your camping trip. Tells us a story. Share a pandemic opinion. If something in this issue got your attention, please send us a letter. Your input is so important.

The President's Report

This year's first day of summer is just around the corner on Sunday June 20. It will be the longest day of the year, and Father's Day. For more than a year, the world has been struggling with exceedingly difficult economic, mental health, and general well-being as the Coronavirus COVID-19 lockdowns, closures, and detrimental effects continue throughout our communities.

Now, more than ever, mass vaccination points to a renewed optimism that we can transition to a new normal where gatherings may be possible. As of now, more than 65 per cent of the population of BC has received the first dose of vaccine, and around five per cent of citizens have received their second dose. The goal of reaching the second vaccination is important and I encourage everyone to help join in the effort to encourage others who can safely receive vaccinations to accept this path forward.

It is with deep regret that we have lost another MLA from our association. We join together to pay tribute to Thomas Berger, MLA for Vancouver-Burrard from 1966-1969, MP for Vancouver-Burrard from 1962-1963 and a judge of the Supreme Court of BC from 1971-1983. Thomas also chaired many important royal commissions. He will be missed by everyone who knew him, and his contribution for our Province and Country will live on.

As I reflect on our association, I would like to share with you something of the history and purpose of the Association of Former MLAs of British Columbia (AFMLABC). The AFMLABC is strictly non-partisan, regardless of a member's past or present political affiliation. It was founded in 1987 as the Association of Ex MLAs

of British Columbia. The founders represented every political party that was active in the province at that time. The organization was incorporated under The Society Act on Christmas eve in 1987, but the Association was formally established by an Act of the British Columbia Legislature on February 10, 1998.

The AFMLABC mandate is to put the knowledge and experience of its members at the service of parliamentary democracy in British Columbia and elsewhere; serve the public interest by providing non-partisan support for the parliamentary system of government in British Columbia; foster a spirit of community among former MLAs; foster good relations between current and former MLAs; and, protect and promote the interest of former MLAs. The association must not pursue its objects for any partisan political purpose. We welcome input from all the former MLAs as their wealth of knowledge contributes to the betterment and progress of our organization.

For your colleagues who are not currently members, joining is simple. Go to: www.formerbcmla.com/payments, and follow the prompts. For more information, email us at ootd.afmlabc@gmail.com. Please let others know how they can also contribute. Through diverse membership and robust engagement, we all benefit.



Dave Hayer,
AFMLABC President

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Continued from Page 1

Thomas Berger never lost his faith in the law

“Lawyers in this city were just laughing, it was just, ‘Give me a break.’ They couldn’t believe a case was being taken that made such a suggestion. But it turned out not to be a joke. And look where we are today.”

Berger: “It helped that I was young and tireless and not fully aware of the obstacles that had to be surmounted.”

In 1971, at the age of 38, Berger was appointed to the BC Supreme Court, serving 12 years as a trial judge and three-time royal commissioner, one commission being the Mackenzie Valley Pipeline Inquiry that “made me famous in Canada for a time.” So too his public dissent in 1983 against Canada’s adoption of a Constitution and Charter of Rights that abandoned provisions that recognized the rights of Indigenous, Inuit and Métis people. He left the bench and returned to practising law. You could say he never looked back.

But, thankfully, he did look back – in *One Man’s Justice: A Life in the Law*, written at the urging of Scott McIntyre and published by Douglas & McIntyre in 2002. (McIntyre also served on the Ecotrust Canada board. They were good times.)

It is out of print now, but *One Man’s Justice* remains one of my all-time favourite books. It is notable not just for its clear writing (Tom would have made a great journalist, although what a waste!), but for its description of cases – not all of them judicial triumphs – and characters who seemed unfavoured by society and thus the law.

People like Penny McNeil, the first woman in Canada to be prosecuted as a habitual criminal, a case “as sad as any I’ve ever done.” Declaring someone a habitual criminal meant they could be locked up for good, but in McNeil’s lifetime of prostitution and drug use she had never endangered another’s life, or property. “Her crimes were truly crimes against herself.”

Berger offers an empathetic description of Vancouver’s Downtown Eastside – not just the blight, but the camaraderie and sense of community – that is as true now as it was then. McNeil and two other women Berger defended would be declared habitual criminals because the evidence showed they were, but in each instance they escaped preventive detention because their lawyer persuaded a judge that “the idea of imprisonment as a deterrent had virtually no effect on their conduct.” Legislation allowing people to be declared habitual criminals was repealed in 1977.

Dr. Jerilynn Prior was born in Alaska, but moved to Canada in 1976 because she was opposed to American war-mongering in Vietnam and admired Canada’s universal health-care system. She was a Quaker who opposed the use of force and thus, by definition, the spending of her taxes by her government on military purposes. “How important is a conscience in a citizen’s life?” Berger asked. “Dr. Prior wished to apply the idea of conscientious objection to her taxes.”



Prior’s objections to her tax assessments had been heard and rejected in several Federal Court rulings and an appeal hung on whether there was a sufficient nexus between taxes and actual military expenditures to have violated Prior’s freedom of conscience. Berger failed to convince the Federal Court of Appeal to even hear Prior’s evidence and the Supreme Court of Canada turned down leave to appeal. “We were thrown off the bus at the first turn.” But Berger’s wide-ranging chapter on citizen conscience still stands up, especially these days when taxpayers should have every right to challenge our government’s war on nature, and its use of our money to subsidize the fossil fuel industry, for one; and fish farms, for another; and war machines, still.

Linda Macdonald had been a victim of brainwashing experiments by Dr. Ewen Cameron at Montreal’s Allan Memorial Institute, funded by the American Central Intelligence Agency and later by the Canadian government. By the time Macdonald sought out Berger in 1988, the horror stories of wiping peoples’ memories through methods of gross medical malpractice had been widely told. Macdonald had been admitted to the AMI in 1963 for postpartum depression, then “treated” for schizophrenia, despite there being no evidence she suffered from it. After four months of more than 100 electroconvulsive shocks, untested combinations of barbiturates, anti-psychotic drugs and an 86-day drug induced sleep, she was discharged. “She had regressed to a child-like state. She had to be toilet trained. She could no longer read or write. She did not know her husband or children.”

continued next page

At 26-years-old, Macdonald had been “depatterned” and then abandoned. Her legal issue was that Canada refused any culpability for what happened to her. In the end, it was her character and tenacity, rather than the courts, that determined the outcome: compensation for her, and other victims, although no admission of liability. Just a government crawling down in the face of a media storm that Berger realized was more powerful, and more speedily rendered, than any court decision could have been.

I mentioned that Berger's memoir is incomplete and that's true. It was published almost two decades before his death, and even into his eighth and ninth decades, an older and vastly wiser Tom Berger was still exhibiting his legendary stamina when tasked with making a good argument on a matter of principle.

He fought and won a battle to stop the Yukon government from undoing protections for the Peel Watershed, a vast expanse of sub-Arctic wilderness, after previously agreeing not to develop 80 per cent of it with the agreement of First Nations. He fought and won the Manitoba Métis Federation's case that the government had defrauded Métis children out of 1.4 million acres of land. He fought and won a huge judgement against

Imperial Tobacco on behalf of the BC government. All chapters that would have made it into a second edition, if only there'd been time.

In December last year, in failing health, he argued before the Saskatchewan Court of Appeal that the Peter Ballantyne Cree Nation is owed a “fair share” of compensation for lands flooded by SaskPower, an act that the Cree claim is a trespass on their reserve. “Berger expects to hear the top court's decision sometime in 2021,” the Saskatoon StarPhoenix reported at the time.





Berger would love to have won that one (he might yet do so), because as warm and good-natured as he often appeared, he did like to win. “We are all of us animated by a mixture of motives,” he wrote in *One Man's Justice*. “I acknowledge that ambition has played a part in my career.” That, and faith. “I've never become jaded – weary, dispirited, furious, frustrated perhaps, but I've never lost my faith in the law.”

(Ian Gill is co-owner of Vancouver bookstore **Upstart & Crow**, a co-creator of **Salmon Nation** and a contributing editor of *The Tyee*.)

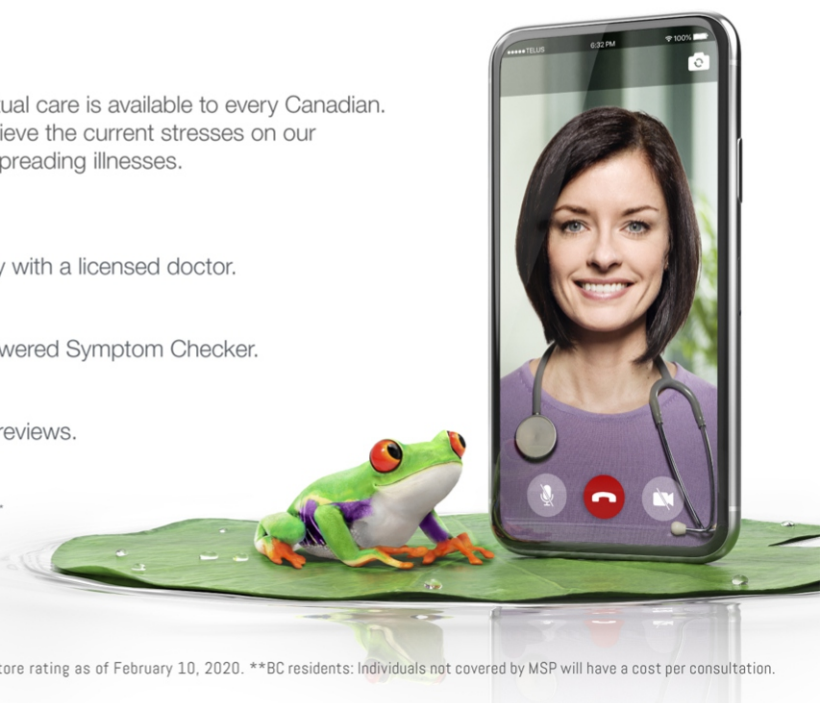
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Visiting the Legislature has become virtual and outdoors

By David Nicholls, Tour Program Officer

Each year, the Legislative Assembly of British Columbia is pleased to welcome tens of thousands of visitors from all over the world for free guided tours of the Parliament Buildings. With indoor tours on hold due to COVID-19, the Parliamentary Education Office has adapted by moving our programming online and outdoors.

We have moved our offerings for school groups to online platforms so that our tour guides can conduct fun and informative, hour-long sessions geared to students.

While the online sessions will never replace the in-person experience, they have allowed us to reach school groups in areas of the province that would normally be unable to make the trip over to Victoria on Vancouver Island. We even offered a Halloween program that welcomed visitors from as far away as Ireland!

Another upside to online programming is that it allows the public to discover aspects of the Legislative Assembly that rarely get the spotlight. As examples, the Legislative Library contains the largest collection of BC government documents in the world, the original maces of the province of British Columbia, Hansard records dating back to the English Civil War and also first editions of famous novels.

Since many of these items are rare, valuable and/or fragile, they are not often on public display. However, with new digital tools, we launched a collaborative informative project with the Legislative Librarians to give these artifacts the attention they deserve without subjecting them to wear or tear.



Rare discoveries online in the Leg. Library

Another exciting development has been our creation of a virtual tour, which allows the online visitor to take a digital walk through the halls of the BC Parliament Buildings. A local company that normally creates virtual tours of houses for real estate listings was brought in and did an excellent job of creating the tour for us in 3D technology.

This summer, we are looking forward to bringing in a small team of university students to deliver tours of the exterior of the Parliament Buildings and the Legislative precinct. While we do not expect our numbers to be anywhere near to those of a normal summer, we hope that local families looking for fun, outdoor activities will join us. We had limited offerings of this program last summer and it was well received by those who did attend. This summer we will be open for outdoor tours seven days a week starting Tuesday, May 25th and look forward to sharing the beauty and history of this historic iconic location.



Lieutenant Governor eyeballs Government House face lift

Story and photos by Rachel Rilko
Communications & Events Officer

In 2019, it was announced that Government House would undergo a series of extensive refurbishments to improve the safety of the building.

Work planned included security upgrades, installation of a new back-up generator, HVAC and electrical upgrades, and refurbishment of the fire suppression system. In July 2020, Government House closed, and staff relocated to a temporary office to continue the work of the Office of the Lieutenant Governor.

The Lieutenant Governor, The Hon. Janet Austin, and a small group of staff recently had the opportunity to return to Government House for a tour of the in-progress renovations.

Her Honour was interested to see the intricate cables, pipes and wires carefully run through the open ceiling in the basement, the many chandeliers and light fixtures from throughout the house hung in the middle of the ballroom floor to be rewired, and the thoughtful methods the contractors have used to access materials within the walls without disturbing the historic and decorative features of the house.

It is anticipated that the project will be completed in the early fall and that Government House will reopen shortly after, in accordance with any COVID-19 orders in place at the time.

The refurbishments will provide enhanced safety for guests, while Government House will appear much the same when staff return. Throughout the construction period, the grounds of Government House remain open.

For those in Victoria, come for a walk, view the spring flowers, and learn about ongoing community food growing initiatives.



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HELPING WHEN LIFE CHANGES



From soup kitchen roots, Victoria Foundation turns 85

By Sandra Richardson
CEO of the Victoria Foundation

This year marks the 85th anniversary of the Victoria Foundation, which has been striving to make our community a vibrant, caring community for all since 1936, making us the second oldest community foundation in Canada.

From its humble beginnings as an idea borne by Burges Gadsden, who started the Foundation out of a soup kitchen on Pandora Avenue with an initial donation of \$20 from his mother, Fannie, the Victoria Foundation has grown into the sixth largest community foundation in Canada.

I've had the privilege of being the Foundation's CEO for the past 20 years and the community support I've witnessed over that time simply fills my heart with pride.

The growth the organization has seen in the 21st Century has been incredible and inspiring. In 2001, we had 59 active funds; by the end of 2020 we had 640. Our assets have grown from \$23.7 million in 2000 to over \$351 million today. In 2000, we were able to distribute just over \$1 million in grants. In 2020, we distributed over \$25 million. That's a growth from a million dollars a year to over \$2 million a month.

All of these incredible strides are the result of the generosity of our community and the trust in the Victoria Foundation to connect people who care to causes that matter. This has allowed us to support efforts in such pressing community concerns as food security, homelessness, mental health, equity, and more, including our recent role in helping local non-profits and their clients weather the COVID-19 pandemic. We have also been proud to support arts and culture, education, sports and recreation, community services, and many other areas that enrich our community and our lives.

What I'm most excited to reflect on however, as we mark this milestone, is not our past but our future. Considering how far we've come, it delights me to imagine what can still be accomplished. As a community and as an organization, we are in prime position to support great change. And we are already working towards that future through such efforts as our focus on the United Nations Sustainable Development Goals, our new Community Action Funds, our growing commitment to equity and diversity, and much more.



We also plan to continue what has become one of our most successful projects: Victoria's Vital Signs. For 15 years now, Vital Signs has been reporting on our community wellbeing and the citizen survey for this year's edition of the report comes out shortly after this column is published.

I would encourage each of you to visit victoriafoundation.ca to find the short survey where you are invited to share your voice on what is working in our community, and what needs improvement. This information helps us know how best to continue serving this community, both now and into the future.

(Editor's note: Prior to joining the Victoria Foundation as CEO in 2001, Sandra enjoyed a successful career in fund development in both Canada and the USA. Most recently, she worked for five years as Director of Development and Planned Giving with the Victoria Hospice & Palliative Care Foundation and prior to that as Director of Development for the Cleveland Playhouse/Cleveland Opera. Among her many professional endeavours, Sandra has been a member of the Canadian Association of Gift Planners (CAGP) for over 10 years. She also served on the Board of Community Foundations of Canada for eight years and for six years was an active participant with the Transatlantic Community Foundation Network. Sandy has been recognized on many occasions for her achievements and for her distinguished service to the community, including being a recipient of the Royal Roads University Community Leadership Award (2008), University of Victoria Distinguished Alumni Award (2010), Order of British Columbia (2016) and University of Victoria Honorary Doctor of Laws (2018).)

Jim Hume, 97, has the right to be peeved with anti-vaccers

When I was born in England in 1923 the estimated life expectancy for a newborn male was, with a bit of luck, around 40 years. And every decade or so from 1923 to the present my “life expectancy ratio” forecast got a boost. In other words, the longer I lived the longer I could expect to live.

By 2020 the actuaries who keep track of these things were assuring us that we could enjoy 81 years ... not exactly headline news for this wordsmith still blogging in 2020 in his 97th year. I remain well aware of my good fortune to have been blessed with genes that have now carried me well beyond two “best before” dates, the first when I waved goodbye to my 40th birthday in 1963 and realized I was indeed getting “old,” and remembering that next December I’ll be 98 and wondering who – or what – is turning the hands of the clock so fast.

I become easily irritated these days when I read the sweeping claims of the 2021 anti-vaccine, anti-face mask doomsayers who see nothing but evil in the research and dedication of medical doctors and scientists and armies of health care workers who, over the centuries, have brought the world protection against plagues that once ravaged the world unchecked.

Recently, Facebook and Twitter – unfettered platforms for anti-vaccers’ outrageous objections to the vaccine program – have promised tighter checks on clients using their services to spread misinformation. In their reluctant concession they have recognized that unfounded statements and false claims have been disseminated worldwide in the guise of free speech.

I reach back a little before Facebook and Twitter to my well-thumbed copy of Charles Panati’s (1989) *Panati’s Extraordinary Endings of Practically Everything and Everybody* for answers. It’s a minor classic in that Panati is dealing with plagues and disasters but does so with an occasional touch of humour that makes the horror of many catastrophic events easier to face and fight.

When reporting on New York’s “Typhoid” Mary Mallon, 68, who sent to their graves or infected with typhoid an unknown number of victims in the 1870s, he writes: “Medically she was that immunological marvel: a person who carried a deadly agent without ever becoming sick, but who can kill others with a kiss or a meringue pie.”

Much of Panati’s reporting should fascinate today’s truth seekers as they read about Dr. Edward Jenner, the English country doctor who developed the vaccine and method of vaccination that led to the end of smallpox as a global pestilence – a brutal killer of millions until 1977 when it was finally defeated.

Like today’s vaccination attack on COVID-19, Dr. Jenner’s vaccine procedure faced a daunting public fear campaign and he was much maligned until smallpox was finally listed as defeated. Readers who have a genuine fear of vaccines might profit from an hour or two with Panati and pray that the men and women he portrays, facing and defeating centuries of health fear mongering, never give up the fight.

The most outrageous COVID-19 conspiracy theories

1. The COVID-19 vaccines contain “nanotechnology microchips” that would, in theory, allow humans to be controlled.
2. COVID-19 was deliberately made in a lab. A third of Americans surveyed agreed with this.
3. Vodka can be used as hand sanitizer. A third of those surveyed in the U.K. believed this to be true.
4. Being able to hold your breath without discomfort for 10 seconds means you don’t have the coronavirus.
5. Eating garlic prevents coronavirus ... a theory that resulted in a Chinese woman being hospitalized with an inflamed throat after she ate 1.5 kg of raw garlic.
6. DisneyPlus released COVID-19 just before it launched its own streaming service to maximize viewership during the coronavirus lockdown.
7. COVID-19 was sent to Earth by space aliens and arrived via a fireball that burned up over China.
8. COVID-19 is, in fact, a 5G conspiracy that is attacking our brains. 5G is the fifth generation of wireless telecommunication technology. One theory advocate, singer Keri Hilson, has 4.2 million Twitter followers.
9. A psychic predicted COVID-19 back in 2008. Celebrity coronavirus conspiracy kook Kim Kardashian tweeted a quote from psychic Silvia Brown: “In around 2020 a severe pneumonia-like illness will spread throughout the globe ...”
10. Cocaine protects against COVID-19, a conspiracy theory possibly conjured up by partygoers recently confined to their own houses due to self-isolation. The idea was first propositioned on Twitter and gained so much traction that the French government was forced to refute it.
11. Drinking cow urine also protects against COVID-19. In India, more than 200 people amassed to drink cow urine whilst posing next to a caricature of coronavirus.
12. Taking the wellness obsession with coconut oil one step further is the coronavirus conspiracy theory that the oil’s lauric content can stop the illness.
13. Sweden’s globetrotting teenage environmental activist Greta Thunberg caused COVID-19 to help slow the pace of climate change.
14. COVID-19 is a marketing scheme by hand sanitizer companies. Hand sanitizer has become one of the most sought-after consumer items in modern history. This conspiracy theory is almost plausible.

Making the case for a universal basic income

(Editor's note: In the March 2021 issue of OOTD we featured the findings of a panel appointed by the provincial government to examine the idea of a basic income. It reported that it would not be the most effective way to improve people's lives. This report examines the opposite view.)

By Paloma Pacheco

“The good we secure for ourselves is precarious and uncertain, is floating in mid-air, until it is secured for all of us and incorporated into our common life.”

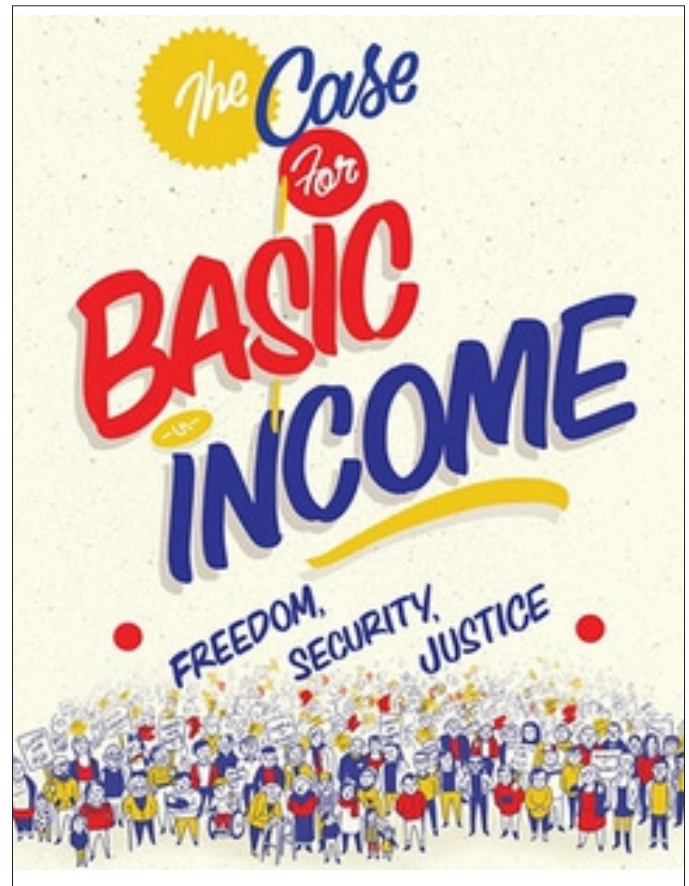
When American activist and social worker Jane Addams wrote these words in 1893, the world was in the heyday of its first run with free-market capitalism and liberalism. Ideas about the “common good” were not popular in the mainstream. The Industrial Revolution of the late 18th and early 19th centuries had paved the way for a cultural shift away from local economies and communal dependence. In Europe and North America, society's focus was on mechanization, large-scale growth and a bootstraps-and-grit ethic that dictated an “every person for themselves” approach to life and work.

It was an ideology that would become deeply entrenched in western culture, and that we are still immersed in today, argue journalist Jamie Swift and academic Elaine Power.

In their new book, *The Case for Basic Income*, the duo presents an alternative vision for post-pandemic existence after a year that has exposed the fallacies of neoliberalism and the reality of our interconnectedness and interdependence. It's a proposal that once seemed radical but is gaining increasingly widespread traction and appeal: A universal basic income.

The concept of basic income (colloquially known as “BI” or “UBI”) is not new. In fact, it's much older, and more tried and tested, than its critics give it credit. This is a pillar of Swift and Power's exploration of the policy. No stone is left unturned in their thorough and convincing argument in favour of a basic income.

Though the book focuses primarily on Canada's history with basic income, the authors acknowledge its antecedents, both literal and imagined, all the way back to the publication, in 1516, of Thomas More's *Utopia*. The idea of providing a fixed income for all members of society to meet their basic needs and, in doing so, escape cycles of poverty, instability and ill health, is not simply a utopian ideal, they conclude. It's a well-studied and financially viable option that would benefit Canada's economy and social fabric immensely.



The Case for Basic Income opens with a short foreword by an Ontario-based family physician who writes of her concern for her patients at the outset of the COVID-19 pandemic. While she worried about an 86-year-old man who lived on his own and a young woman pregnant with her first child, she was most preoccupied with the well-being of a small dance studio owner who went out of business within the first few weeks of the pandemic. She knew how much the financial loss would affect her and, as a health equity advocate, she also knew that financial insecurity often leads to poor health outcomes.

Luckily for this doctor's patient, and for many thousands of Canadians, this woman was offered a life raft: the Canada Emergency Response Benefit, which provided \$2,000 per month in guaranteed income. Along with the Canada Emergency Wage Subsidy, which subsidized employee wages for eligible businesses, the CERB provided temporary security and relief from the stress of losing work, something a large portion of the country's population (some 5.5 million people) experienced when COVID hit.

continued next page

The fact that the government was able to provide this emergency support so quickly, and with few bureaucratic hurdles for applicants, write Swift and Power, proves that what is often deemed impossible is actually not: Expanding the social security net to include more people and to offer genuine support instead of crumbs.

While CERB was the closest Canada has come to a federal basic income program, it still left many out, and was dependent on meeting a previous employment threshold. People who had earned under \$5,000 in 2019 were ineligible, along with those who had been unemployed previous to the pandemic or were coming off EI or parental leave.

This is where basic income differs. Basic income programs are not tied to employment, and, unlike welfare and disability assistance, they do not require constant monitoring to determine eligibility and deservedness.

Swift and Power are unequivocal in their assessment of these systems: They are closer to policing than to a social service. Besides the difficulty of meeting eligibility criteria, once accepted for these programs recipients are punished for earning above a certain annual income on top of their assistance payments and must constantly prove their merit to government workers.

If a true basic income were to be implemented in Canada, it would mean moving beyond the limitations of our current thinking around social security, say Swift and Power. And, perhaps even more importantly, it would mean a transformational reimagining of work, labour, time and freedom.

Swift and Power examined two recent basic income pilot programs, both in Ontario. Under the leadership of former Liberal premier Kathleen Wynne, the towns of Hamilton and Lindsay were selected as trial sites for the Ontario Basic Income Pilot in 2017.

This program saw 4,000 low-income earners receive \$17,000 if they were single and \$24,000 if coupled, and included a \$6,000 top-up for disabled people. For those working low-wage jobs while participating, their basic income was reduced by 50 cents for every dollar they earned, until they hit a ceiling of \$34,000 for singles and about \$48,000 for couples.

The program was cut short by Conservatives only several months in. Regardless, Swift and Power's book gains real momentum as they zero in on the individuals positively impacted by the Ontario pilot program.

Drawing on examples from a range of backgrounds and circumstances – a single mother with a disabled daughter and three other children to care for; a disabled man struggling with precarious employment, mental health issues and food insecurity; a young millennial working a minimum-wage job and looking for more meaningful work – they show how even the relatively small annual amount each of these people received made an overwhelming difference in their lives. Families were able to pay off long-standing debt and stop using the food bank; individuals were able to pursue higher education or start small businesses.

Swift and Power have studied basic income for years, so they know that it has met with resistance from both the political right and left.

For those on the right who believe giving a “handout” to everyone would simply discourage people from working, they argue that the poorest people in society are those that currently work the hardest: The (often racialized) workers the pandemic has deemed “essential” but not worth protecting with policies like paid sick leave.

For those on the left, who might fear that basic income would erode labour protections and government-worker unions, as well as endanger important public supports like Medicare and non-market housing, the authors propose that liberating people from social assistance would free up public-sector workers to provide more preventative health services.

Swift and Power don't delve into the nitty-gritty of how basic income might be implemented at the national level in Canada, citing the “tricky policy knots” of our country's provincial-federal jurisdictional issues.

Ultimately, they argue, basic income is about freedom. Not the freedom of unregulated capitalism – the current system we live in, that prioritizes corporations above people – but a more expansive, human one. In a world increasingly dominated by precarious labour and the gig economy, as well as by growing automatization of jobs, skyrocketing economic inequality and a global climate crisis, it would mean an intentional value shift. Away from the worship of growth and towards a whole-hearted, intentional sustainability.

It's a powerful idea. And after the past year, and all the inequity, injustice and moral failings the pandemic has exposed, perhaps it's one whose time has come.

(Paloma Pacheco is a Vancouver-based freelance writer and a graduate student at UBC's School of Journalism, Writing and Media. She was writing in *The Tyee*.)

Letters

Ian was a “mensch” ... a politician of integrity

Dear Editor:

Ian has been described by his close friends as “an energizer bunny” or in “a state of perpetual motion.” The Yiddish word “mensch” should be added when describing this unique and beloved friend of all.

“Mensch” is a person of integrity and honor. According to American author and social scientist Leo Rosten: “A mensch is someone to admire and emulate, someone of noble character.” Ian Waddell was a “real mensch.” Ian had a sense of what was right; he had the qualities one would hope all politicians embodied.

All of us who have been in politics, regardless of affiliation, enter this noble profession with the aspiration of being a real “mensch.” But, few have achieved this ideal; Ian Waddell was one of those few.

When I announced to Premier Mike Harcourt in 1995 that I would not be running for a second term in Vancouver-Fraserview, I immediately approached Ian to seek the nomination. Typically, Ian turned to those he was closest to for advice. In this case, he told me he would have to speak to his mother who he was caring for. Once Ian was convinced his mother was okay with his decision, there was no stopping the “energizer bunny.” He received the nomination and won the 1996 election. Premier Glen Clark appointed Ian Minister of Tourism, Arts & Culture, and Premier Ujjal Dosanjh appointed him Minister of Environment.

Ian was also a mentor, as Health Minister Adrian Dix stated upon learning of his passing: “He had an energy for life.”

Ian's sudden passing was his final lesson to us all: That we not take life for granted and devote your life to making a better society.

Ian was a real “mensch.”

Bernie Simpson
NDP MLA Vancouver-Fraserview (1991-1996)



Ian: Energetic, irrepressible

Dear Editor:

Very sad to lose Ian Waddell.

I struggled with a quick remembrance piece, but I was deeply involved in a media blitz to celebrate the 50th Anniversary of the Vancouver Community Law Society. I founded it in the late '60s, early '70s and Ian was my successor.

He was his usual energetic, irrepressible self. Plus, he added a whole new and innovative dimension to VCLS's pioneering legal work in representing poor citizens in a class action lawsuit.

Ian brought one of the first cases before the courts against BC Hydro and its request that poor people on welfare, students, and other low income citizens be required to put up a deposit before they could be hooked up to power.

Ian won the case, thus creating the class action lawsuit in our legal system. Class action lawsuits are now pervasive. Thank you Ian for your outstanding legal research, pleadings and superb counsel work.

I was also part of his 1979 campaign team to get him elected to Parliament to replace the legendary Grace McGinnis. That's a whole other hilarious story about trying to train a neophyte politician in the fine art of electioneering and meeting and greeting the public.

An excellent April edition of OOTD, particularly the tributes to Ian.

Mike Harcourt
30th BC Premier, MLA Vancouver-Mount Pleasant,
34th Vancouver Mayor

Dear Editor

Please pass on my thanks, and I'm sure that of many others, to former Columbia River MLA Duane Crandall for his article on the history of the I.O.O.F. in British Columbia.

It was a thoroughly enjoyable read and a great reminder of a time when a plethora of service clubs graced communities large and small throughout the Province. They all made a phenomenal contribution to our province and deserve to be remembered.

John Les
AFMLABC Vice-President, MLA & Cabinet Minister
Chilliwack-Sumas (2001-2013), former Chilliwack Mayor

Letters cont.

Involuntary care for unwell needed ... as a last-resort option

By Julian Daly
CEO of Our Place Society.

I commend the provincial government's budget for not only investing so heavily in mental health and addiction services, but also opening the door to long-overdue complex-care housing.

It is a bold and much-needed plan that cannot come soon enough, and I encourage the province to quickly develop a successful model.

The timing is also especially welcome when all those camping in our parks are finally being offered shelter or transitional housing.

While I sincerely hope the vast majority of those who have secured shelter will maintain it until the move into permanent housing, I also know there is a small group who will fail to retain this housing because they are simply too unwell. Sadly, these troubled few often end up being barred because of behaviours directly related to their mental health and addictions.

They are not barred lightly. My colleagues across the transitional housing sector do their very best to never bar anyone, but some people are so unwell that, for their own safety and that of others, they cannot remain.

The women in this group are the most vulnerable and are frequently the victims of sexual violence and abuse that is as stomach churning as it is heartbreaking.

After decades of work in this field, and years of advocating for those who are homeless and struggling, heartfelt and bitter experience has taught me that, in some situations, there is a need to bring people into this kind of care involuntarily.

I want to be really clear: I am not advocating for the return to the inhumane, often abusive institutions of old.

Instead, I want housing that provides safe, loving and healing care. Furthermore, I believe that involuntary care should only last as long as it takes to stabilize the individual and for them to then make an informed and rational decision about what next steps they want, and are able, to take.

So, I unequivocally welcome and endorse the creation of complex care housing in British Columbia. With it there will, finally, be hope and a chance for belonging for some of the most abandoned of our fellow human beings.

Jeff Bray: “Julian Daly's position took courage”

I want to highlight Julian Daly's recent article: “Involuntary care for unwell needs to be a last-resort option.”

As a social service provider, it took courage for Mr. Daly to make this, as he put it, “provocative and to some controversial” recommendation. It also took insight, experience, and a deep concern for those most marginalized. Most of us agree the old institutions were inhumane. However, the need for a new and improved complex care system for the small but impactful set of people we see suffering on the streets is undeniable.

For many, a stable address is the base from which their life changing journey begins. For some with severe trauma, mental illness, and/or addiction, however, there is need for involuntary, 24-hour, secure care to properly support their journey to recovery. For this small group, the current model of community-based services is simply insufficient.

Tertiary care managed on a human scale with the goal of independent living is missing from our community's offerings. It is critical we strike a balance between accommodating individual rights and protections, and preventing our present reality: People dying in despair – and literally dying – in the streets. These are our neighbours, family, and friends, and we are failing them.

Those in political office will tread carefully in exploring this idea, and there will be strong voices against it. However, when government steps into this arena to consider involuntary care, I am confident they will find much of the public is already there.

(Jeff Bray is Executive Director of the Downtown Victoria Business Association, and Co-Chair of the Greater Victoria Coalition to End Homelessness. Of course, he is also the immediate past president of the AFMLABC.)

Len Norris



January 7, 1955

“... and I say I”M right...”

Please donate to the Hugh Curtis Memorial Fund

The Association of Former MLAs of BC looks forward to your donations to the Hugh Curtis Memorial Fund to assist members of the Youth Parliament of BC. The fund is managed by the Victoria Foundation.

By phone: Call 250-381-5532 to make a donation by credit card directly.

By cheque: To the Victoria Foundation, #200 - 703 Broughton Street, Victoria, B.C., V8N 1E2. Cheque payable to The Victoria Foundation. Note the name of the fund in the memo line or in a cover letter.

Online: Go to www.victoriafoundation.bc.ca. Click on “Giving” in the navigation bar and then on “Make a Donation.” After that just follow the prompts to find the Hugh Curtis Memorial Fund.

If you have any questions about how to make a donation to the Victoria Foundation, please contact Sara Neely, Director of Philanthropic Services, at 250-381-5532 or sneely@victoriafoundation.bc.ca



Buddhist Trump, a statue of limitations

XIAMEN (Reuters) — Chinese furniture maker Hong Jinshi first created a couple of pint-sized statues of former U.S. President Donald Trump meditating in a Buddhist pose as a fun project for himself.

Six months on, Hong's amusing hobby has turned into a small side-hustle, with a workshop in the town of Dehua in Fujian province on track to produce an inaugural batch of 250 statues of Trump dressed in Buddhist robes with his legs crossed.

Hong was inspired by the potential contrast provided by the two extremisms of Buddhism and a former leader known for his sharp outbursts. "Our tradition is that a person who is so old and successful ... should start to enjoy his old age and be more relaxed, but he was still tormented and fretting over various desires and uncertainties," Hong said.

Stalinist kebab not for Moscow

MOSCOW (Reuters) — A shawarma shop in Moscow was forced to close a day after it opened following an outcry over its provocative Josef Stalin-themed branding, the shop's owner told Reuters.

The Stalin Doner shop featured a portrait of the controversial Communist leader above its front door. Inside, a man dressed in the Stalin-era security service uniform served customers meat wraps named after Soviet leaders.

"We fully opened and served around 200 customers," shop owner Stanislav Voltman said. "There were no legal reasons (to close the shop)," he added, but said that police had forced him to remove the Stalin sign and then "colossal pressure" from local authorities forced him to shut completely.



Italian army has egg on its face

ROME (Reuters) — An Italian public prosecutor has impounded four Centauro tank destroyers, one of which is suspected of firing its gun in the direction of a farm and killing multiple hens with a direct hit.

The incident happened during a night training exercise in the northern Italian province of Pordenone. The stray shell landed directly on a henhouse at a farm in the Vivaro municipality, killing some animals and partially collapsing the shed.

The crew of the Centauro for some reason turned its high-caliber gun – which is designed to pierce the armor of tanks and similar targets – away from the intended target area and towards the farm. Needless to say, the "Massacre of chicken in Pordenone," as some outlets called it, made the Italian army the target of some mockery on social media.



The Habitat Conservation Trust Fund turns 40

By Rob Silver

When Stephen Rogers, the Minister of Environment, addressed delegates at the annual convention of the BC Wildlife Federation in May 1981, he made history.

Government had (finally) made changes to the Wildlife Act to create a new fund to administer new money dedicated to fish and wildlife conservation.

Most of the delegates were pleased, but others were more guarded. They remembered that government had established a Big Game Fund in 1951 only to have it terminated in 1954. The balance of the fund had been rolled into Consolidated Revenue.

Since then, they have promoted the establishment of a fund and pointed to successful programs of other governments. Saskatchewan created the Saskatchewan Fish and Wildlife Development Fund in 1970, and Alberta followed in 1973 with its Buck for Wildlife Fund.

In 1973, Recreation and Conservation Minister Jack Redford created the Public Conservation Assistance Fund. It was part of the regular budget and provided small grants to support community groups who used volunteer labour to complete conservation projects. It continues to this day.

In 1979, a small group of sportsmen in the East Kootenay, led by Carmen Purdy, met with members of Cabinet and suggested a resource tax on coal or timber could be collected in a new fund and dedicated to fish and wildlife needs.

Government decided to create the Habitat Conservation Fund leading to Rogers' announcement in 1981. User-pay surcharges on licences would be used for enhancement work and an allocation from the Crown Land Fund Account would be earmarked for the purchase of ecologically sensitive lands.

By 1995, increases in the number and value of user-pay licence surcharges had resulted in annual revenues of over \$4 million. However, expenditures were tied to the ministry budget so a balance of nearly \$4 million had accumulated.

Fearing that the user-pay money would again be absorbed by Consolidated Revenue, the BC Wildlife Federation mounted an aggressive campaign. Environment Minister Moe Sihota solved the problem by creating the Habitat Conservation Trust Fund (HCTF) – a sister agency to the ministry. The Minister became the trustee.



Rod Silver, left, who administered the HCTF for almost half of his 34 year career in government, congratulated Ian McTaggart-Cowan on his retirement as the first chair of the fund board. Ian served for 19 years and was 90 years young in 2000 when this photo was taken. (Visions West photo).

In 2007, the Ministry of Finance undertook a review of government trust funds to ensure compliance with new trust fund management policies. Government decided to transfer trusteeship of the Habitat Conservation Trust away from the Minister of Environment to a newly established arms-length entity called the Habitat Conservation Trust Foundation. An independent board, made up of leading conservationists, would make all decisions regarding investments in conservation projects.

In its 40th year, the Foundation remains a trusted and dependable source of support for conservation projects. As CEO Dan Buffett notes: "To date we have granted over \$190 million to support more than 3,000 conservation projects. HCTF annually provides nearly \$10 million to projects and programs that are led by land trusts, First Nations, government biologists, community groups and other individuals."

While a portion of funding has protected and acquired over 25,000 hectares of habitat, the majority of funding restores habitat or improves the science on species that span the variety of BC's spectacular biodiversity. The work may occur in the rugged mountainous terrain involving bighorn sheep and goats, or in the network of rivers and valley bottoms on trout, steelhead and white sturgeon. Nestled in between are the forests and wetlands that are key habitats for grizzly bears, caribou, elk, birds and many other species.

A dedicated portion of the funding provides students with opportunities to learn about biodiversity in their community and training for educators.