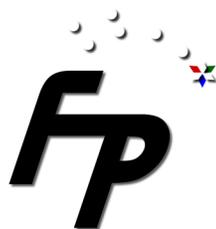


Freedom Party of Ontario:

The Political Party that Opposed Ontario's Ban on Sunday Shopping...Successfully

1986 to 1992

Excerpts from Freedom Party of Ontario's
Official Newsletter, the "Freedom Flyer"



Life. Liberty. Property.

The next four pages appeared in "Freedom Flyer"
No. 9, which was published in January of 1987.

FREEDOM PARTY GOES TO THE MARKETPLACE TO SUPPORT SUNDAY CHOICE!

When FP member Ray Monteith of St. Thomas, Ontario, first saw **Freedom Party's** issue paper on Sunday closing legislation ('*Never on a Sunday?*'), his immediate reaction was to see what he could do to have it distributed at outlets of stores who were 'flouting the law' by opening on Sundays in his community. We were initially reluctant to do that, since the issue paper in question was not really designed for the purpose he had in mind.

But Mr. Monteith felt strongly enough about the plight of Ontario retailers wishing to open on Sunday that he convinced us an effort to distribute information on Ontario's Sunday closing laws would be worthwhile. He was right.

It was, and is, our hope that a restoration of freedom of choice in Sunday shopping would see the abolishment of the *Retail Business Holidays Act*, which **Freedom Party** regards as a repressive piece of legislation aimed at restricting the retailer's right to his or her own property.

FP Action Director interviewed on Kitchener CKCO-TV.



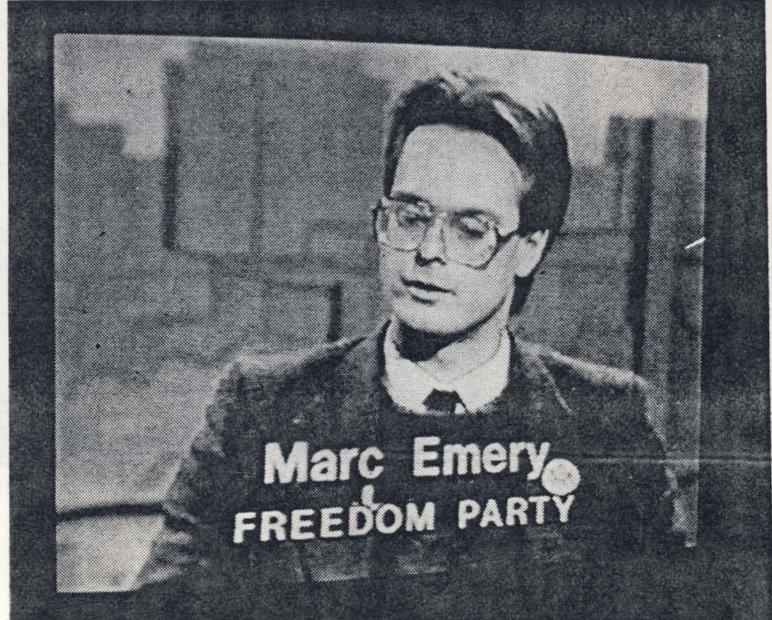
Our literature as seen on CFPL-TV News coverage.

Media interest in our campaign was, to say the least, phenomenal. During the two weeks prior to the Supreme Court's ruling on the issue, **Freedom Party's** campaign received the attention of the *Toronto Sun**, the *Globe & Mail**, *Ottawa Citizen*, *CKO Radio*, *CBC Radio*, the *St. Thomas Times-Journal**, *London Free Press**, *Windsor Star*, *CKEY Radio* (Toronto), all *London radio stations*, *CKCO-TV**(Kitchener), *CFPL-TV* (London), and media as far away as the national edition of the *Globe & Mail*, *Calgary Sun*, and *Halifax Mail-Star* who picked the story up off the wire services. (* indicates reprinted this issue).

The result of our efforts was **Freedom Party's** pamphlet entitled "*It's your choice...even on a Sunday*". Within a week of its publication, **FP** members and supporters made the choice to volunteer to work on Sundays by handing out over 5,000 brochures to shoppers as they left grocery stores and other retail businesses open in defiance of the *Retail Business Holidays Act*.

Thus, on Sunday, December 7th, and on Sunday, December 14th, **Freedom Party** volunteers were posted at exits of major A&P and Miracle Food Mart foodstores in London, St. Thomas, Metro Toronto, Mississauga and Oakville.

The ultimate purpose of our information campaign was to promote the concept of Sunday shopping as a matter of personal choice, and to counter the prevailing belief that such choice infringes on the rights or interests of those who would choose not to shop on Sundays. Naturally, by distributing our pamphlet directly to Sunday shoppers, our message was reaching a basically "sold" audience who would hopefully maintain the memory of our supporting their right to shop into the next election. At the same time, of course, we were providing them with philosophical and pragmatic ammunition to discuss the issue with their friends and co-workers.



FP Action Director on CFPL-TV 'S *First Edition* program.

The campaign was most effective. Phone inquiries, memberships, and funds were all generated by the campaign literature and the media attention surrounding it.

Freedom Party will continue to promote the concept of freedom of choice in Sunday shopping by promoting the abolishment of Ontario's *Retail Business Holidays Act* and by expanding its information campaign.

The concept of *private property* in Ontario has never been more threatened than it is today. With governments at every level reaffirming *their* right to *our* property, the stage is being set for a truly *fascist* authoritarian style of government.

This is not to be unexpected. Since the theory of socialism (government control *and* ownership of property

and services) has never worked in practice, governments in Canada have found themselves having to resort to fascist measures (government control of *private* property and services) in a desperate political effort to create the illusion that they can provide all the benefits they promise us each election. Rent controls, the ban on 'extra-billing' by doctors, and of course, Sunday closing legislation are but a few of the clear-cut examples of this process in Ontario today.

Until Ontarians are fully alerted to the dangers of this political process, it's not likely that the trend will soon reverse itself. Of course, Sunday closing legislation represents only the "tip of the iceberg" in that process, but it's a "tip" well worth chipping away.

That's why **Freedom Party's** involved --- and why *you* should get involved too!

FREEDOM PARTY OF ONTARIO CONDEMNS SUPREME COURT DECISION RESTRICTING FREEDOM OF CHOICE IN SUNDAY SHOPPING!

In light of its admission that Sunday closing legislation does indeed "infringe" on the rights and freedoms protected by the *Canadian Charter of Rights & Freedoms*, the Supreme Court of Canada has arrived at the *worst of all possible decisions* in concluding that the *Retail Business Holidays Act* is constitutionally valid.

The decision, announced on December 18, 1986, places in doubt the validity and worth of the constitution itself.

It was only two years earlier that the same court invalidated the federal *Lord's Day Act* on grounds that it was, believe it or not, "a form of coercion" that violated the constitutional guarantee of freedom of religion. With its current reversal of that principle, that guarantee can no longer be claimed to exist.

The ruling has established a dangerous precedent: it allows the rights of *some* individuals to be restricted for the *convenience* and *personal preference* of others ---in this case, those who do not wish to work or shop on Sundays. With this subjective premise established as a basis for creating laws, the future of Canada's entire legal system has been placed in jeopardy. Mass disrespect and contempt for our laws will be virtually inevitable.

As a political alternative, **Freedom Party** stands alone in defending the individual's right to choose for himself whether or not to shop on Sundays. In this regard, the Supreme Court's ruling is ironically positive news for **Freedom Party**, since **FP** will gain the support of those who feel they have been betrayed by the parallel policies of the *Liberals*, *New Democrats*, and *Conservatives*.

Although **FP's** campaign for choice on Sunday was covered in the National edition of the *Globe & Mail*, this article is from the Toronto edition of the *Globe*.

Scores of charges laid over Sunday shopping

The *Globe and Mail* and *CTV*

At least 120 charges were laid against stores in the Metro Toronto area yesterday, the last forbidden day of Sunday shopping before the Supreme Court of Canada rules on the issue on Thursday.

Some stores continued to open their doors for Christmas shoppers in defiance of the Retail Business Holiday Act, which bars most Ontario stores from opening on Sundays.

No charges were laid in Peel Region, where store owners have been charged only when someone complained, a Peel Regional Police spokesman said.

Halton police said stores open yesterday were investigated, but charges will be laid only if the Supreme Court upholds the Sunday closing law.

At least 85 charges were laid by Metro Toronto police, mainly at smaller stores.

Maverick furrier Paul Magder an appellant in the Supreme Court case, was charged for what he hopes was the last time. He estimates he has been visited by police with similar results, more than 20 times.

About 20 businesses were charged in Oshawa, and 16 more in Ajax and Pickering.

In London, about 20 businesses were charged, including the City Lights book store. Owner Marc Emery is a director of the Freedom Party, which advocates that Sunday sales should be left up to shoppers and shopkeepers.

Robert Metz, the Ontario president of the party, said his group handed out literature at stores in London which were open. Similar campaigns are being waged in the Toronto area, he said.

SABBATH SHOPPING 'PERSONAL' MATTER

Group stages blitz for Sunday choice

By GRETCHEN DRUMMIE
Staff Writer

If only one person in Metro wanted to shop on Sunday it's "nobody else's business," says the leader of Ontario's Freedom Party.

And it's the same thing for retailers — if one shopkeeper wants to open his door Sunday, it's not his neighbor's problem, Robert Metz said yesterday.

Sunday shopping is a matter of "personal choice."

That's the message party members spread in a pamphlet blitz of four Ontario cities yesterday.

The party, with 200 members, works toward abolishment of the Retail Business Holidays Act and other "freedom of choice" objectives. It was formed in 1984.

"The current act is a repressive piece of legislation aimed at restricting a retailer's right to his or her property," Metz said.

More than 5,000 pamphlets were distri-

buted by members yesterday in Metro, Mississauga, St. Thomas and London. Supporters staked out the major grocery store chains that have been defying the law.

Says the pamphlet: "We never thought we'd see the day when earning one's livelihood through gainful employment would be considered a crime, but that day repeats itself at least once every week.

"No one is proposing laws to force businesses to open on Sunday, nor would it be appropriate to do so for all the same reasons that it is inappropriate to force Sunday closings," it continues.

Metro police laid at least 68 charges and handed out two cautions yesterday in connection with Sunday openings. But that number is expected to rise today because some of the divisions were not filing a report until this morning.

The Supreme Court will rule on the constitutionality of Ontario's Sunday closing laws Dec. 18.



- ken kerr, sun

ROBERT and Tina Di Rosa seem to agree with David Pengelly, a Freedom Party supporter. Group members handed out 5,000 pro-Sunday shopping pamphlets yesterday, including at this market on Overlea Blvd.

ABOVE

Coverage in the Toronto Sun was excellent. Here is one of three items that covered Freedom Party's campaign for choice on Sundays. This reprint is 10% smaller than original article.

BELOW

An FP member in Halifax sent us this clipping, which just goes to show you how much we are covered that we might ordinarily never find out about unless someone is nice enough to send us a copy. From the Halifax Mail-Star.

Ontario store owners charged for opening Sunday

TORONTO (CP) — At least 34 store owners in southern Ontario were charged for opening illegally Sunday, including maverick furrier Paul Magder whose Supreme Court battle against forced Sunday closing will be decided this week.

Magder, who estimates he has been charged over 250 times for violating Sunday-shopping laws, is an appellant in the Supreme Court of Canada case which will decide Thursday on the legality of the Retail Business Holiday Act, which prohibits

Sunday opening in Ontario.

About 14 stores in Toronto were charged Sunday for opening illegally.

"There were less this Sunday than last week," said Metropolitan Toronto Police Const. Jeff Hill, who added he believed the pending court decision was the reason.

About 20 businesses were charged in London, Ont., including the City Lights book store. Marc Emery, the store's owner, is a director of the Free-

dom Party, an organization that advocates Sunday openings as a matter of personal choice for the shopper and shopkeeper.

Robert Metz, Ontario president of the party, said between 15 and 20 people were handed out literature at stores in London that chose to open Sunday, just as they did last week.

Similar campaigns are being waged in the Toronto area, Metz said.

Second Section

St. Thomas Times-Journal

ST. THOMAS, ONTARIO, MONDAY, DECEMBER 8, 1986

Grocery stores continue to defy Sunday closing law

By The Times-Journal and Canadian Press

Three St. Thomas grocery stores opened for business and were charged with contravening the Ontario Retail Business Holidays Act by City Police.

A and P Food Store, 780 Talbot Street, and Loblaws Superstore Food Warehouse, 295 Wellington Street, have each been charged under the act three consecutive Sundays while IGA Foodliner at Homedale Plaza has been charged the last two.

While local church groups continue to oppose Sunday openings there were

no organized protests in St. Thomas Sunday, although church spokesmen said the matter would be up for discussion soon.

The Freedom Party of Ontario, on the other hand, was handing out pamphlets to A and P shoppers encouraging the freedom to choose to shop or not to shop on Sundays.

Ray Monteith of St. Thomas said he was at the store about six hours, handed out about 300 pamphlets and received supportive responses.

"They (Sunday shoppers) don't like government interference with our way of life," Mr. Monteith said, adding he expects pamphlets will be handed out at all three stores next week.

Mr. Monteith said the store was "fairly busy" and about 98 per cent of those he spoke with favored Sunday openings.

Mr. Monteith said "religion needs freedom to operate properly" and the church-and-state combination historically doesn't work, so churches shouldn't be involved in the issue.

Elsewhere, shoppers have finally had their say in the great controversy over Sunday opening — they're all for it.

In Dartmouth, N.S., and Halifax — which one retailer said was "completely open" Sunday — police reported that shopping mall parking lots were packed.

Martin Herschorn, of the Nova Scotia Attorney General's Depart-

ment, said police were instructed to focus on stores that had threatened employees with penalties if they refused to work Sunday, and on mall owners who had threatened to penalize owners of individual stores who kept their doors closed.

Dartmouth and Halifax police said Sunday that no charges had been laid.

In Toronto, more than 60 businesses in 250 locations advertised in Sunday newspapers that they would be open for Sunday shoppers.

CARRIES FINE

Eighty-one stores in that city were charged with an infraction of the Retail Business Holidays Act, which carries a maximum fine of \$10,000. About 80 more stores — including some in the AP and Loblaws grocery chains — were charged in other Ontario cities.

One of those charged in Toronto was furrier Paul Magder who estimates he has been charged more than 250 times under the act.

Magder, who received what he said he hoped was his "second-last" charge, is an appellant in a Supreme Court of Canada case which will decide whether the act is legal. A decision is expected Dec. 18.

Ontario's major department stores avoided charges by remaining closed. Several stores announced late last week they would close Sundays until the Supreme Court case was completed, reversing an earlier decision to defy the law.

Fire destroys cottage

County firemen were kept busy Saturday evening and Sunday morning with three fires in Elgin including one which demolished an Orchard Beach area cottage in Port Stanley.

Dr. John (Hugh) Lewis and his wife, of Detroit, were spending the weekend at their 184 Prospect Street cottage and were just barely able to escape the burning building at about 1:30 a.m. Sunday, a Port Stanley fire department official said.

The fire started in the area of a fireplace although cause of the blaze has not officially been determined.

There were no injuries to either the couple or firemen who were at the scene for about nine hours.

The wood frame house, which dated back into the 1800s, was being renovated for use as a retirement cottage. The building was fully insured.

The Dutton and Dunwich Volunteer Fire Brigade was called to the farm of Erin Dieleman, on Highway 3, three kilometres west of Wallacetown, when one of his barns caught fire Saturday at 6 p.m., possibly due to an electrical malfunction.

Firemen fought the blaze about 3½ hours in order to prevent it from spreading to an adjacent barn. One

Little hope offered for change in child tax credit system

There is little the Greig family can do to become eligible for the advance child tax credit, a spokesman for Revenue Canada said this morning.

"A stipulation for the advance child tax credit is that the family's total net income be less than \$15,000. If it is over, they do not qualify," the spokesman said.

"But it does not mean they cannot get it when they file their income tax next year," she said.

In an earlier interview, she said her family is barely existing on the money her husband brings home each week, despite working 48 to 52 hours a week.

She said she does not want charity, but a change in the tax credit system that would take into account the number of people to be supported by the family's income, rather than the amount.

"There had to be something set down and that amount was set down," the Revenue Canada spokesman said.



The next seven pages appeared in the June-July 1987
issue of "Freedom Flyer" (No. 10).

OPENERS

*an editorial by Robert Metz
Freedom Party President*

AT right: FP President Metz testifying before Committee: Global TV

FREEING THE "SLAVES"

It's finally happened.

Freedom has officially been declared **Slavery**. George Orwell was right, and we should have listened.

Freedom is slavery. I discovered the repeated use of this seldom mentioned philosophical axiom in a most unusual way. Over the past several months, it has been my somewhat dubious privilege to have addressed numerous government committees, panels, and forums of "public consensus."

After comparing notes, I became alarmed at how, *in order to justify their own brand of political coercion*, various politicians at every level of government have been fervently attempting to promote the Orwellian philosophy that *freedom is slavery*.

How do they do this? Simple.

Take, for example, the issue of Ontario's Sunday closing laws. Freedom of choice in Sunday shopping, so contemporary political logic goes, will "force" businesses to open on Sundays and will similarly "force" employees to work on Sundays, despite the fact that no one is holding a gun to anyone's head. (The logical extension of this fallacy is that consumers are being "forced" to go shopping! So who's "forcing" who?)

The argument continues that retailers who sign leases with malls or plazas stipulating hours of operation are being "forced" to open when they might not otherwise be open, despite the fact that these retailers have voluntarily signed contracts saying that they agree to this condition.

On the labour front, those who work for less than minimum wage, or who work for less than someone else performing a similar task, are said to be "exploited" by greedy employers, regardless of any personal and private *voluntary* agreements that may have created their relationships in the first place.

On the civil liberties front, we are told that freedom of expression "forces" people to unwillingly confront pornographic images when shopping in variety stores or while watching their TV sets at home, despite the fact that they can shop in other stores or turn their TV sets off.

And of course, we've all heard how markets unregulated by government will leave individuals prey to market "forces" --- the law of the jungle --- and without government intervention (i.e. control), our society would be reduced to an environment where "only the fittest survive", despite the fact that this has never happened in a free market environment.

On and on the arguments go, and they're all based on the philosophic premise that *freedom is slavery*.



I never really clearly understood why George Orwell insisted this philosophy was a necessary prerequisite to *totalitarianism*, but now I think I've learned part of the answer. By convincing a good percentage of the electorate (and themselves) that *personal commitments and obligations* represent *conditions of coercion and force*, our politicians have justified *their* use of *true, arbitrary, non-objective, non-voluntary* applications of *state coercion* --- all to "protect" us from the consequences and responsibilities of our own individual free choices.

But that's only half the story. The "freedom is slavery" premise is simply an attack *against* individual freedom. Where's the argument *promoting* state control?

Meet the other side of the "freedom is slavery" coin: **Slavery is Freedom:** "Just leave everything to us, and you'll be free!"

This is the philosophy that *Liberals, Conservatives, and New Democrats* alike are selling to the Canadian electorate. Short of outright war, I personally cannot imagine any single political action that could harm the social and economic fabric of any nation more.

"Free" medicine. "Free" education. "Free" daycare. "Affordable" housing. "Affordable" rental accommodations. "Universal" access. "Equal" access. "Fair" wages. "Equal" pay. "Guaranteed" pensions. "Cheaper" car insurance premiums. "No" health insurance premiums. "Protection" from business competition. "Protection" from labour competition. "Protection" from being offended. "Protection" of our "culture." "Guaranteed" jobs. Job "creation." "Affirmative" action. "Social" justice.

These are but a few of the kinds of *very expensive and totally unworkable* "freedoms" that our politicians have been selling us in return for our votes. It used to be considered unethical for politicians to *bribe* us with their own money. Today, it is acceptable practice for them to bribe us *with our own money*. And they even get away with selling us their political "products" without having to tell us the *price*.

Because the *price* is incredibly high. The average Ontarian pays *more than half of his annual earnings* to governments in the form of *taxes* alone. The *debt* of governments at every level is staggering, despite the size of the tax bite. Waiting lists are piling up for admissions to our "universally accessible" hospitals. Housing prices are at an all-time high. Rental vacancies are at an all-time low. Our health, pension, and education systems are all on an unsound economic footing and accumulating debt.

In Ontario, you can be treated like a criminal for opening your store on a Sunday. If you've got an apartment for rent, you have to justify your rates to a government committee --- not to your tenants. If you employ people, you must justify your wages to a government committee --- not to your employees. If you charge your customers "too much" for your product, the government could charge you with "price gouging." If you charge "too little" for your product, the government could charge you with "unfair competition." If you charge the *same* price as your competition, the government could charge you with "price fixing."

If you're unemployed or looking for a job, the government could prevent you from competing with any of the *labour monopolies* its created. If you want to create your own job, the government could charge you for competing with any of the *business monopolies* it has created.

As if things weren't bad enough with governments

compelling us how to *act*, they're even telling us how and what to *think*.

The degree of *censorship* and *state control of communications* in our society is reaching an intolerable crescendo. The powers of Ontario's censor board have been dramatically increased, the federal government is hell-bent on banning depictions of sexual activity or "violence" in the media, and the penalties incurred for disagreeing with certain political perspectives make it clear that independent thought is as much a crime in this province as independent action.

Liberals, Conservatives, and New Democrats alike believe that the purpose of government is to *restrict* our individual freedom of choice, *not* to protect it. The only difference between their parties is not over *whether* freedom of choice should be restricted, but *whose* choice should be restricted for *whose* benefit --- and lately, they even agree on that.

They benefit. *We* pay. And that's why the kind of "freedom" they're selling us *is* slavery.

TIRED OF THE OLD STATIST QUO?



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FREEDOM FLYER

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Editor: Robert Metz; **Layout & Design:** Marc Emery; **Contributors:** Robert Metz, Marc Emery, Lloyd Walker, Bill Frampton, Greg Jones, Andrew Steckley.

THE FREEDOM PARTY OF ONTARIO

Statement of Principle: **Freedom Party** is founded on the principle that: *Every individual, in the peaceful pursuit of personal fulfillment, has an absolute right to his or her own life, liberty, and property.* **Platform:** That the purpose of government is to *protect* individual freedom of choice, *not* to restrict it. **Provincial Executive:** Ontario President: Robert Metz; Vice-President, Ontario, Lloyd Walker; C.F.O., Murray Hopper; Action-Director, Marc Emery.

Freedom Party of Ontario, P.O. Box 2214, Stn. 'A', London, Ontario N6A 4E3 (519) 433-8612



...EVEN ON A SUNDAY!

What began as a simple public information and advocacy campaign for the right to shop on Sundays soon evolved into what could possibly be Ontario's most philosophically focussed and effective drive against the province's immoral and reprehensible *Retail Business Holidays Act*. By no means are we trying to imply that our efforts will cause Sunday closing legislation to disappear in the foreseeable future. But **Freedom Party's** role in spearheading a philosophical attack against Sunday closing laws, combined with its increased political presence in upcoming provincial elections, will guarantee that Sunday closing laws will soon become an uncomfortable subject for the three major parties to have to face.

Last issue, you may recall, we reported on the launching of our information campaign promoting Sunday shopping as a matter of personal choice. During December 1986, while many retailers were "flouting the law" under the

false expectation that the Supreme Court of Canada would rule Ontario's *Retail Business Holidays Act* unconstitutional, **FP** members and supporters spent their Sundays stationed outside illegally-opened retail exit doors, handing customers our brochure which refuted the arguments most commonly used to restrict freedom of choice in Sunday shopping.

It was also during that same period that **FP** action director Marc Emery took some personal action to fight Sunday closing laws by opening his London bookstore illegally on Sunday, and he was charged by police for doing so. (Details in last issue of *Freedom Flyer*.) His case is not due before the courts until August 20, 1987, and we'll keep you updated as to developments.

Since our last report on the subject, much has developed on the political Sunday shopping front for **Freedom Party**:

"ALL-PARTY" COMMITTEE OPPOSED TO FREEDOM OF CHOICE ON SUNDAYS

On February 25, 1987, **FP** president Robert Metz presented an oral and written submission to Ontario's "all-party" *Select Committee on Retail Store Hours*. Titled "Freedom of Choice ...even on a Sunday", the brief was essentially an expansion of **Freedom Party's** already-produced and distributed brochure on the same subject.

The 11-page report addressed the inherent hypocrisy in creating yet another forum for "public consensus" (i.e., the Select Committee itself), by pointing out that its only purpose was to justify what the government already had planned --- namely, the retention and enforcement of Sunday closing laws.

Metz fielded a number of questions from committee members, few of which had anything directly to do with Sunday closing laws. For the most part, the questions asked were strictly philosophical in nature and ranged in subject matter from issues like **FP's** position on minimum wage laws to the nature of lease agreements which contain clauses "forcing" retailers to open their stores according to pre-determined hours.

Because Metz argued that it would be equally unjust to force businesses to open on Sundays as it would to force them to close, he was challenged by a committee member as to how **FP** would deal with clauses in lease agreements that "force" mall retailers to open in accordance with hours pre-determined by mall operators.

Since the clauses in question represent a contractual agreement between two parties, Metz responded, the lease agreement should be enforced and retailers should comply to the terms with which they have already agreed. In fact, emphasized Metz, it was retailers themselves who originally were responsible for the inclusion of such clauses. Of what advantage would it be to be located in a

mall if each store in that mall operated on its own, non-uniform hours? Mall retailers depend upon the customer traffic generated by uniform shopping hours, and the maintenance of such hours merely represents the cost incurred in obtaining the greater benefit of increased customer traffic.

It is that very clause that makes malls attractive --- both to retailers and to customers.

Other terms in lease agreements, added Metz, require that the retailer must pay his rent on a specified day each month. Would it be equally logical to conclude that the payment of rent has been "forced" upon the retailer, simply because he is legally obligated to do so? Should we pass laws preventing the payment of such rents?

After a barrage of similarly misguided philosophical questions from committee members, Metz concluded his presentation on behalf of **Freedom Party** and was followed immediately by Marc Emery, who presented his own brief on behalf of his own London business, *City Lights Bookshop*.

Emery's arguments focussed on identifying the various interests and lobby groups promoting restriction of choice on Sundays, and his scathing attack on religious, business, and labour groups made it to the front page of the *Toronto Star*.

Copies of both briefs are available at the post-paid cost of \$1 each, and supporters are encouraged to arm themselves with the philosophical ammunition necessary to win the war against state control on Sundays.

In any event, Metz's original prediction that the committee would recommend the retention and enforcement of Sunday closing laws became a reality when it announced its "findings" in May 1987.

But then, what else could be expected from an "all-party" committee composed of "all the parties" who created our Sunday closing laws in the first place? No surprises here --- because *restriction of choice* is what they're all about!



Sunday closing blamed on Christian intolerance

By William Walker Toronto Star

LONDON, Ont. — Christian intolerance is behind the “legislated criminality” of Ontario’s Sunday closing law, an irate bookstore owner has told MPPs.

Marc Emery, who has operated downtown London’s City Lights Bookstore for 13 years, said yesterday he has been charged numerous times for opening Sundays, “and I’m proud to say that I’m a law-breaker.”

In a strong attack, Emery blamed churches and the religious community for pressuring government to uphold the law requiring Sunday store closings.

Four separate church groups also made submissions yesterday to the select committee on retail store hours, urging the government to protect Sunday as a day of rest and to close loopholes that allow some businesses to open.

Deny choices

Current law prohibits Sunday store openings with a long list of exemptions, including a Saturday closing option to allow Sunday openings, a formula allowing municipalities to designate tourist areas where stores can open, and a general exemption for corner stores that sell convenience items.

“Show me a Christian who claims never to have enjoyed the productive work or service of others on a Sunday and I’ll show you either a fool, liar or a hypocrite,” Emery said.

He said “organized religions are the most ardent supporters of this legislated criminality” because they want to protect the status quo “by denying free choices to supposedly free citizens in a supposedly free nation.

“Many disciples of Christ have abandoned the task of saving souls with moral suasion and have instead opted for the tyranny of government legislation to save, or more accurately, to coerce a man’s soul,” he said.

“It is ironic, that while stripping businessmen of their right to their property, these same churches enjoy a tax-free status subsidized in part by the taxes of the victims of their Christian intolerance.”

Some members of the small audience at yesterday’s hearing gasped noticeably during Emery’s testimony, while MPPs looked on impassively.

One MPP, Robert Mitchell (PC-Carleton), later said he also sees “a

great hypocrisy” in the Sunday closing law.

“I saw a man come out a grocery store one Sunday with his cart loaded with groceries and he had a priest’s collar on,” Mitchell said. “I have a great problem with this, if this is their position.”

Emery opened his bookstore the first Sunday in December after the Supreme Court of Canada upheld the law.

No growth

He gave away about \$1,500 worth of books in an attempt to prove there was a demand for Sunday shopping but was still charged by police for opening his store illegally.

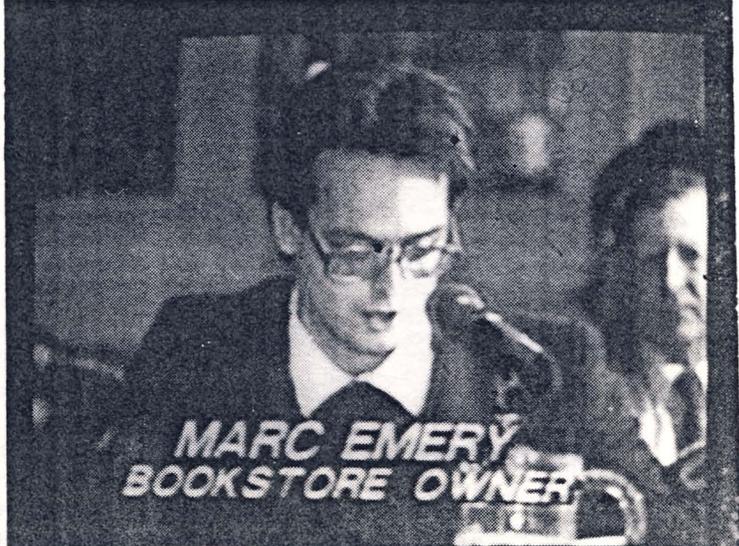
He argued that customers are “always right,” and if there is a demand for Sunday shopping, retailers should have the right to fill that demand.

Emery’s views were mirrored by a submission from the Freedom Party of Ontario, a London-based registered political party with about 200 members.

Robert Metz, party president, said Sunday shopping is a basic issue of freedom of choice, both for the retailer and the consumer.

“Retailers who choose to open their doors to the public on Sundays are not forcing their customers to shop, they are not forcing their competitors to open and they are not forcing their employees to work Sundays,” Metz said.

ABOVE article from front page, Feb. 26, 1987, Toronto Star



Above: FP President Robert Metz and Action Director Marc Emery as seen on Global TV NEWS, 6 O’clock edition.

MAGDER DINNER A SUCCESS

110 SUPPORTERS SALUTE *SUNDAY LAWS* *REBEL* PAUL MAGDER AT FP DINNER

Paul Magder, as almost everyone in Ontario should know by now, is the Toronto furrier who has challenged Ontario's Sunday closing law (*The Retail Business Holidays Act*) all the way to the Supreme Court of Canada where his effort to have the law declared a violation of our fundamental religious freedoms was successful, but to no avail.

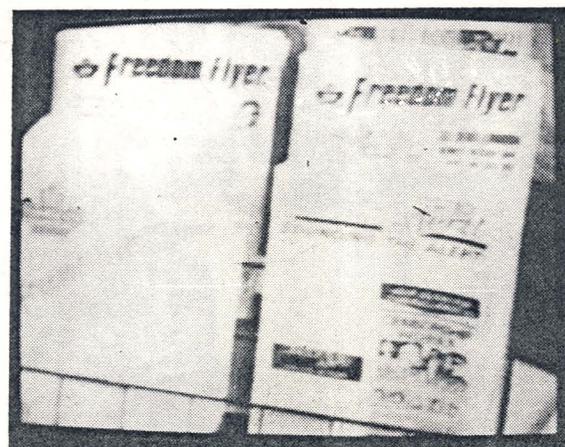
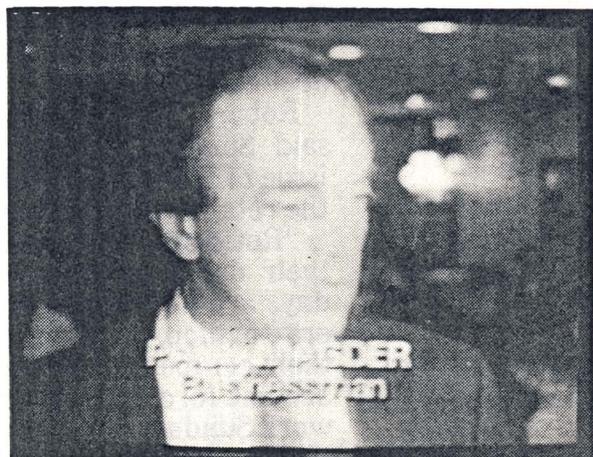
On December 18, 1986, Canada's Supreme Court ruled that, *despite its violation of our religious freedoms*, Ontario's *Retail Business Holidays Act* was nevertheless "justifiable."

When we heard of Magder's setback, we thought that a public show of support was definitely in order and arrangements were soon undertaken to introduce ourselves to him and offer him that support. On April 21, 1987, **Freedom Party** was proud to be able to sponsor an event held in Paul Magder's honour. This was an accomplishment in itself, considering the vow that Magder made on CTV's "W5" program ---that he would never again support any political party or candidate.

The \$50 a plate dinner drew about 110 attendees and judging by the response to the evening's presentations and activities, everyone seemed to have enjoyed themselves. Media coverage was extensive, though limited to the broadcast media, and much was accomplished in terms of publicizing the support for the elimination of Ontario's Sunday closing laws.

Even more was accomplished in terms of **Freedom Party's** growth and public profile. People who had never heard of **Freedom Party** contacted our London offices to see how they could get involved and organize in their communities, and arrangements are currently underway to do just that.

The speeches of Mr. Magder, and the three other guest speakers at the dinner, Messrs. Robert Metz and Marc Emery, and Dr. D.D. Devnich, have been transcribed and will be available to members.



Above: TV coverage from both CITY-TV (Toronto) and CBC-TV NEWS (all Ontario) on the evening of the Magder dinner and the following day's broadcasts.



Guest speakers at the *Paul Magder dinner*. Dr. Douglas Devnich (top left), Marc Emery (top, centre), Paul Magder (top, right), and FP President Robert Metz presents Paul Magder with a plaque "Dedicated to a true champion of individual freedom".

EMERY TO GO TO COURT AUGUST 20 FOR SUNDAY OPENING CHARGES

Action Director Marc Emery will have his final day in court on August 20, when his lawyer will speak to the arguments of the current law before a judge. Emery has gone to court only to have proceedings delayed for results of Court of Appeal decisions regarding section 15 of the *Charter of Rights*, a section Emery is using in his defence.

Although a decision in Emery's case may take up to 6 weeks after trial, Emery has vowed to refrain from paying any fine if found guilty, and instead plans to defer payment until the 30th day after sentencing, when, according to law, a warrant will be issued for his arrest.

Anticipating this, Emery will hold a media conference before turning himself in to police for imprisonment. Emery expects to stay in jail for 72 hours or so, at which time he will make payment of the fine and secure his release.

Ironically, Emery's business may well be legally allowed to open as changes to the *Retail Business Holidays Act* are being made to allow a small bookstore like his to open legally on Sundays. Emery was featured on *CBC's Radio Morning* in an interview where Emery condemned mere tinkering with the current law to exempt a few bookstores, saying "this law makes me a citizen with rights and freedoms denied to my neighbours and other citizens. This amendment is saying that, because I sell books, I'm a better citizen than my neighbours who sell wicker furniture or musical instruments. This new law says my customers are a better class of people than customers of those other stores. This new law says I can work 16% more often than my colleagues, even though we all pay the same taxes. This change is wrong. The law should be abolished entirely, and that's why I broke the law in the first place, not to secure some special privilege."

The same cannot be said for other lobbying bookstores in Toronto whose efforts secured this new exemption.

Emery was also interviewed for similar comment on CFPL-TV London News, CKCO-TV Kitchener News, and all local London radio.

As we go to press, Emery's bookstore, *City Lights Bookshop*, can now legally open on all Sundays and statutory holidays as a result of a private members bill passed at Queen's Park. Emery still has vowed to keep up his fight until all businesses and consumers may exercise their freedom of choice...even on a Sunday.

PAUL MAGDER TRIAL UNDERWAY

As we go to press, Paul Magder's lengthy trial to contest the myriad of charges against him is still underway after several weeks of testimony, evidence and witnesses. In our next issue, which will follow soon, we will bring you up to date on this important and potentially historic courtroom battle. *Best of luck, Paul!*



“WARNING!” “TOURIST ZONE AHEAD!”

FREEDOM PARTY BLASTS TORONTO CITY HALL INQUIRY INTO SUNDAY OPENING LAWS

In response to a newspaper advertisement requesting public submissions on the subject of the City of Toronto's official position on Sunday Closing legislation, **Freedom Party** prepared a brief advocating that *all* of Toronto be designated a tourist area, since the provincial government was obviously unwilling to do the right thing and relinquish its control over Ontario retailers.

Presented at Toronto's City Hall on the evening of March 24, 1987, it was the first time that **Freedom Party's** point of view was heard by Toronto politicians. Titled *Warning! Tourist Zone Ahead!*, **Freedom Party's** brief was presented by Ontario president Robert Metz in a firm and forceful manner, compelling attention from both the audience and councillors. The entire text of the brief was a direct critique of Toronto Council's own official report on the subject of Sunday openings, and it was the *only* brief presented that evening to do so.

Freedom Party has addressed the inherent hypocrisy of government committees virtually each time it has made a presentation before them, and Council's *Economic Development Committee* received the same tough treatment. Government committees of "consensus" invariably operate on the principle once expressed so clearly (and humourously) in an episode of *Yes Minister*: "The government does not go about seeking public input and consensus until it has already made up its mind!"

"...and that's why," said Metz, "we have committee after committee purportedly set up to 'study' an issue or seek a 'public consensus' on it. In my brief experience with government committees, there is one clear lesson that I have learned: they exist to deflect the assumption of *responsibility* for restrictive government controls from the politicians who pass the laws in the first place, to that undefinable, nebulous entity called the 'public', in whose interest it is claimed the restrictions must exist.

"It is incredible how little concern with their constituents' *rights* is being displayed by municipal councillors," Metz continued. "At one point in its discussion of tourist areas, the City of Toronto report says that 'it is not *practical* to prevent the general population from visiting the stores permitted to open on Sunday to service the tourist industry.

"Consider the implications of such a statement: the city is admitting that the only reason Torontonians themselves are 'allowed' to shop in *tourist areas* is only because of the *impracticality* of restricting their freedom to do so. What kind of government is it that allows freedoms and choices to *visitors*, but denies those same freedoms and choices to its own citizens?"

While this exposure of Council's hypocrisy did not endear us to Mayor Art Eggleton and his fellow councillors, the questions that followed clearly indicated that they knew what philosophy we were advocating. They even went so far as to avoid using the term *freedom of choice* and instead referred to **Freedom Party's** "free minds, free markets" philosophy as "the law of the jungle."

"The 'law of the jungle' refers to animals devouring each other," countered Metz. "Though I am aware of the analogy you are attempting to make, let me remind you that no one is being devoured here, nor are any of us animals. This is an *economic* issue where we are simply advocating that individuals be responsible for *their own* life and decisions, and the consequences that follow from these decisions."

This response brought forth the inevitable questions: "Do you think there should be minimum wage laws..." and "Do you favour any government regulation protecting workers from exploitation," both which were asked, in almost the same order, by members of Ontario's *Select Committee on Retail Sales* and of the *Committee On The Administration Of Justice* (pay equity: see related transcript, reprinted elsewhere in this issue).

In any event, Council had its collective mind made up well before the hearings took place, and thus its final recommendations were every bit as predictable as those of the provincial select committee: "That City Council is generally in support of a common 'pause-day', as provided for in the *Retail Business Holidays Act*."

It is clear that politics on the municipal level is driven by motivations no different from those on the provincial and federal levels: control over others seems to be the only enticement that attracts today's politician to his or her elected position, a position that is one of *power*, not of responsibility.

The next page appeared in the August-December
1987 edition of "Freedom Flyer" (No. 11).



NINE NEW CHOICES: Freedom Party now has *nine* officially-registered constituency associations, all formed in ridings where candidates were fielded during the recent provincial election. They include *London North, London Centre, London South, Middlesex, Elgin, Mississauga East, Mississauga South, Don Mills* and *Fort York*. Details to follow in the upcoming election issue of *Freedom Flyer*.

OFFICIAL TAX RECEIPTS NORMALLY ISSUED IN FEBRUARY: Financial contributors to Freedom Party should be aware that it is our normal practice to issue *official tax receipts* for all contributions in a given calendar year in *February* of the year following --- just in time for tax returns. This makes administration for us much less complicated, and cuts down on the number of requests for "duplicate" receipts that invariably seem to get lost when issued up to fourteen months before they can be used. However, **tax receipts will be issued earlier upon request.** Corporate contributors whose fiscal year-end does not coincide with the calendar year are advised to let us know, if they have not already done so.

THE ISSUE IS "CONSENT": The first issue of Freedom Party's "issues and philosophy" newsletter, *Consent*, will be on its way to members and supporters in early December. Published every other month, it will feature articles and commentaries on a wide range of subjects pertaining to human relationships, including sex, politics, and religion. Controversial? You bet.

COMPUTER FACILITIES EXPANDING: Freedom Party is currently in the process of transferring its information and data files on members and supporters from a less-than-adequate "floppy disc" storage system to a 20-meg "hard" drive storage system. In addition to being able to handle thousands of times the information at many times the speed, the new "IBM compatible" system will improve our ability to respond to members and supporters. Please accept our apologies for any omissions or duplications that may accidentally result from the changeover. They will be temporary.

TENTH CONSTITUENCY ASSOCIATION FORMING: As of this writing, Freedom Party is in the process of registering its *tenth* constituency association in *Oakville South*. Anyone interested in getting involved is invited to call constituency president **Dan Chalykoff** at 844-5974. He's looking forward to hearing from anyone interested in spreading our "free markets, free minds" message to the residents of *Oakville South*.

JUST OUR OPINION: Over the past six months, various representatives of Freedom Party have had at least thirty of their letters to the editor printed in various publications, including *Canadian Business Magazine, Financial Post, Graffiti, Toronto Star, Toronto Sun, Globe and Mail, London Free Press*.

GET THE FAX, FAST! Freedom Party has purchased a fax-machine, so we are now able to send our media releases, information, photographs, speeches, statements, etc. to almost any newspaper --- including the one in *your* community --- instantly! For those who don't know, a "fax" machine is a lot like a photo-copier, only it can send and receive its images via telephone lines. We expect that, in future, we will be able to instantly respond to throne speeches, budgets, etc., and have that response "phoned" to various Ontario newspapers within minutes after our releases have been prepared.

CAN WE SURVIVE DEMOCRACY? On March 18, 1987, straight from a court appearance on his Sunday opening charges, FP action director **Marc Emery** addressed University of Western Ontario political science students on the subject of "democracy". Sponsored by the Marxist-based "Student Centre for Public Issues", Emery's speech offered a sharp contrast to the prevailing understanding of what "democracy" is all about. Freedom Party members and supporters will be delighted to learn that the speech will be reprinted and published in a future issue of *Consent*. It's an eye-opener.

BUSINESS IS IMPROVING: Although Freedom Party's past involvement with fighting a *Business Improvement Area [BIA]* in Oakville's suburb of *Bronte* didn't kill it right away, the *Ontario Municipal Board* appeared satisfied that a large enough opposition to the BIA existed to justify its dissolution. One more BIA defeated!

NEVER ON A SUNDAY: FP action director **Marc Emery**, whose Sunday opening charges have forced him to make five court appearances so far --- only to have the crown delay proceedings --- has yet to have his day in court. On a subsequent second charge of employing "too many" people on a Sunday, Emery will offer his own defence on January 12, 1988.

EVER ON A SUNDAY? Toronto furrier (and FP supporter) **Paul Magder**, after winning his last court battle on Sunday opening charges, must once again fight for his legitimate right to operate his business as he sees fit. His latest court victory is, once again, being appealed by Ontario's Attorney-General.

The next three pages appeared in the Summer
1988 edition of "Freedom Flyer" (No. 12).



-reprinted, North York Mirror.



DAVID PENGELLY
Freedom

The Freedom Party of Ontario will field its first Metro candidate in Don Mills riding.

Computer analyst and consultant David Pengelly will run for the London-based party.

But he admits that his chances of winning the predominantly Tory riding are small, if not non-existent.

"My objective in running as the Freedom Party's first Toronto candidate is to attract new supporters, members and activists for the period following the election," says Pengelly. "That's when the Freedom Party really makes a difference in the communities where it is established."

Pengelly says that "the choice

facing voters in Don Mills is a simple one — state control or individual freedom. Voters must decide to be responsible for their own choices or the politicians of the other parties will make them for us."

His platform will centre on Sunday shopping — a thorny issue in the side of the Liberal government — censorship, a free market economy and ending government monopolies.

"Unlike the traditional parties, the Freedom Party is committed to the principles of individual freedom and individual responsibility," said Pengelly. "The purpose of government is to protect our freedom of choice, not to restrict it."

Glen Magder is one individual who knows what can happen when politicians make our choices for us. As the son of Toronto furrier Paul Magder, he's learned first-hand how politicians can arbitrarily punish honest, hard-working citizens.

"My family's experience with Ontario's Sunday closing laws has taught me that you don't have to be a criminal in this province to be treated like one," says Glen.

Glen is **Freedom Party's** candidate in **Fort York**, and he'd like to let you know that he'll be looking for your support during and after this Ontario election.

"**Freedom Party** campaigned aggressively for freedom of choice in Sunday shopping and wasn't afraid to fight the issue on *principle*," remarks Glen. "It's a principle that I've seen **Freedom Party** actively demonstrate in all of its campaigns — the principle of individual freedom."

That's why Glen decided to become a candidate for **Freedom Party**.

"By running in this election, I'm offering the people in Fort York a new political option — the option to vote for their right to make their own choices. I'm in this for the long-run, and the work I'm doing now is my investment towards the future growth of **Freedom Party** and for freedom of choice in Ontario."

Glen can usually be reached at (416) 363-5852. He'll be happy to discuss **Freedom Party's** new approach to your concerns.



GLEN MAGDER

Toronto:

There can be no denying that, as a place to introduce a new political party, Toronto represents one of the toughest markets to crack.

In a city the size of Toronto, competition for media coverage and attention is intense. To complicate matters even further, the ethnic makeup of several of the city's areas requires an approach (i.e., translating our literature into different languages) that may have to be quite different from that used in most areas of the province, a luxury that a small party like **Freedom Party** cannot yet afford.

These considerations were among the many challenges facing **Freedom Party** candidates David Pengelly (Don Mills) and Glen Magder (Fort York).

Any meaningful press profiles or coverage of **Freedom Party's** two Toronto candidates were almost nonexistent, though this factor did not seem to have any direct effect on their vote totals. In fact, Pengelly's vote return of 1.75% represented the third highest return for a **Freedom Party** candidate while Magder's 0.83% represented the lowest. The inconsistency in vote results was clearly due to the character and makeup of each candidate's riding.

For Glen Magder (son of Toronto furrier Paul Magder, who has been challenging Ontario's Sunday closing laws in the courts for many years now), the fact that *eight* candidates were fielded in his riding of Fort York was undoubtedly the most significant factor in the lower vote return. Moreover, 62% of the voters in Fort York have a non-English mother tongue (primarily Portuguese, Chinese, Italian) and the availability of our English-only literature was a distinct handicap. As a late entrant to the election race, Magder, like our Mississauga candidates, must be commended on his virtually single-handed effort.

On behalf of David Pengelly in Don Mills, our thanks must be extended to volunteers David Blackmore, Vic and Barbara Brown, Wayne and Heather Borean, Kathleen Crawford, Steve Hutton, David Levy, John Pengelly, Salma Rahman, Mike Revell, and Michael Wallis.

Public opinion is the judgment of the incapable many opposed to that of the discerning few.



ELECTION '87 — — — THE ISSUES

The following brief synopsis, which is by no means all-inclusive or detailed, represents a very brief summary of FREEDOM PARTY's Election '87 platform on the major issues that surfaced during the campaign:

- **FREEDOM OF CHOICE in ABORTION & DAYCARE:**

Raising children, like having them, is an *individual* choice and an *individual* responsibility. It's the government's job to keep it that way.

- **LOWER TAXES AND REDUCED GOVERNMENT DEFICITS:**

There's no way to avoid the fact that *taxes* directly relate to *government spending*. Any talk about "tax reform", in the absence of dramatic cuts to government spending, can only mean higher taxes, higher government debt.

- **FREEDOM OF CHOICE in HOUSING:**

Rent controls violate fundamental private property rights and contribute to accommodation shortages and high housing prices. Rent controls don't work, and should be phased out as soon as possible.

- **FREEDOM OF CHOICE in TRADE:**

Free trade means lower taxes, lower prices on goods and services, and more consumer and investment dollars available to create jobs and enterprises in areas where *true* economic demand exists. The sooner, the better.

- **A SENSIBLE, WORKABLE, HEALTH, WELFARE, AND PENSION SYSTEM:**

People who cannot help themselves should be helped on an *individual* basis, considering *individual* needs, not by subsidizing entire industries and services or by instituting *universal* government programs. To the greatest degree possible, we must work towards establishing responsible *self-supporting* welfare and pension systems, privately funded, privately administered. Government should be the *last* resort for social assistance, not the first one.

- **FREEDOM OF CHOICE in EDUCATION:**

Taxpayers should have the right to direct their education taxes to the school of their choice. Competition in educational services means higher standards, lower costs.

- **FREEDOM OF CHOICE in BUSINESS & LABOUR:**

Competition, whether in business or labour, means more opportunity, lower prices, a healthier economy. No worker should be *forced* to join a union or to pay *compulsory* union dues; No businessperson should be *forced* to join a business association (BIA) or to pay *taxes* to them. Let's make the words "voluntary" and "consent" the keys to business and labour relationships.

- **FREEDOM OF CHOICE in SUNDAY SHOPPING:**

"Sunday shopping" is not just a single issue. Sunday shopping involves individual choice, self-responsibility, private property rights, individual justice, freedom of religion, and free enterprise, to mention but a few of the *real* issues involved.

- **FREEDOM OF CHOICE in INSURANCE:**

A private, competitive insurance industry is our only *long-term* ticket to social security. State-run auto insurance schemes, like state-run health plans and pension plans, are one-way tickets to bankruptcy. Let's keep it private.

- **FREEDOM OF CHOICE in IDEAS:**

Freedom of speech is a *fundamental* human right. Let's protect it. Say NO to censorship.

REFLECTIONS '87 A REMINDER OF ACCOMPLISHMENT

With a view overlooking the fork of the Thames River from the *London Regional Art Gallery's* café dining room in downtown London, about sixty **Freedom Party** members and supporters spent an enjoyable evening (November 21, 1987) reviewing **Freedom Party's** first four years of accomplishments, with a special emphasis on 1987.

Dinner attendees were treated to video clips highlighting the year's major issues while party leader Robert Metz recapped the significant details behind the news stories. Action Director Marc Emery, during his speech reflecting on 1987, discussed the necessity of taking a firm stand on the issues that one supports, and of the courage required (and exhibited by many **Freedom Party** supporters) to meet the intimidation tactics of our political opponents.

1987 was a year in which **Freedom Party** participated in its second provincial election by reaching out into the homes of over 140,000 Ontario voters. 1987 was a year in which our campaign for freedom of choice in Sunday shopping gained *national* prominence and attention. 1987 was yet another year in which we successfully fought for freedom of choice in both business and labour.

Dinner attendees each received a 12-page *Reflections '87* souvenir brochure which included a year-end message from **Freedom Party** president Robert Metz, a recap of what we accomplished during our first four years, and quotable quotes relating to our activities during the same period of time.

In addition to our *Reflections '87* dinner event, a separate one-day workshop entitled *Agenda '88* was conducted on the following day (Sunday, November 22). The workshop featured discussion on the subjects of **Freedom Party's** image, constitution, market targeting, recruiting and fundraising, etc., and invited participation of those in attendance.



Freedom for sale on ballot

By Joseph Ruscitti

A London-based organization is selling a product they say is in short supply in Ontario — freedom.

Last year they had only 4,700 buyers.

The count was taken September 10, the day of the last provincial election. The organization is the Freedom Party of Ontario.

Co-founder and leader Robert Metz makes no bones about the party's view of the Ontario electorate as a marketplace.

"We haven't lost money on an election yet," he says. "Our job is marketing. We're in the business of selling freedom. If we weren't clear in our minds about that, we'd never have gotten off the ground."

The party got started in January 1984, when it took

over the official registration of Toronto's Unparty, a group of disenchanted Libertarians who managed to collect the 10,000 voter signatures needed in Ontario to be recognized as an official party.

Official status allows a party to issue income tax receipts for political contributions, and use its name on election ballots.

Metz and co-founder Marc Emery, the party's action director and the owner of City Lights Book Shop on Richmond Street, both ran as Libertarians in the 1980 federal election. They also became disenchanted with the party.

"But we never really got too close to the Unparty," Emery says. "The name was just too alienating for me. Pick a kooky name and you get kooky people.

"They had one asset we needed — 14,000 signatures."

In late 1983, the Unparty agreed to transfer the signatures to Metz and Emery rather than fold the party entirely. They moved the party to London and changed its name.

"'Unparty' promotes a negative, and you can't do that," says Metz. "It just doesn't work. You either represent the product in as clear a way as possible in your name or you're going to lose trying."

Emery describes the product — freedom — as "the right to dispose of your own life and property in a way you see fit, as long as you don't impose on anybody else's similar right."

"And," says Metz, "every political issue is an example of how that needs to be defined."

In four years, the party has grown from 12 members to almost 350. Two-thirds of the membership is in the Toronto-Mississauga area.

"It took us two years to build our product and develop a marketing strategy," says Metz. "In the first year we received \$8 to \$10,000 in contributions. Last year we got \$40,000 and this year we're expecting over \$80,000."

Neither expects to win an election soon. "We won't see results in the vote for another 10 years, but we can see them in the bank now," says Metz.

Emery says they use the money to run campaigns that will win them credibility as an active party. Last summer in London, they picked up garbage during the city strike.

In the past, they have fought against union drives at Eaton's and the University of Western Ontario, pay raises for local aldermen and the use of tax dollars to pay for the 1991 Pan Am Games in London.

Sunday shopping issue dominating campaign

Abortion, student housing, free trade, possible tax increases, the need for improved post-secondary education — all are issues in London North. But the issue dominating the campaign so far is Sunday shopping.

● Conservative Dianne Cunningham opposes the government's plan to let municipalities decide whether to allow Sunday shopping. She said Sunday shopping will disrupt family life for thousands of people forced to work on Sundays.

● Liberal Elaine Pensa supports government policy although she has had to reconcile it with her "family-oriented background." She said something had to be done because retail closing legislation was not working. Government policy is fair, she said, because London can keep stores closed if that's what people want while another municipality can allow its stores to open.

She wants protection against workers being forced to work Sundays.

● Diane Whiteside of the NDP said a majority of people in London North are opposed to Sunday shopping and so is she. A common pause day is needed to protect family life, she said.

● Brenda Rowe of the Family Coalition opposes Sunday shopping in the interest of protecting family life. She said opening stores on Sundays will only spread retail business over seven days instead of six and increase business operating expenses, costing the consumer in the long run.

● Barry Malcolm of the Freedom party supports Sunday shopping, saying forcing merchants to close Sundays is a violation of their property rights. He would prefer to let the marketplace decide the issue. "If people don't want to shop on Sunday, stores won't stay open."

Freedom Party's position on the Sunday shopping issue in Ontario may not yet net us any extra votes, but it has focussed the attention of voters and the media on us. The article at left indicates that Sunday shopping was --- and still is --- a high priority in the public's mind.

In mid-May, FP Action Director and businessman Marc Emery was jailed for three and a half days for refusing to pay a \$500 fine imposed on him for employing "too many people" on a Sunday. Customers contributed \$380 towards his fine, while another \$130 was credited to Emery for his stay in jail.

On his other Sunday opening charges, Emery refused to use a lawyer in any of his court appearances, and thus avoided incurring any legal fees. In the most outrageous verdict we've ever heard of, Emery was found not guilty on all other charges when the judge claimed that the Crown had "failed to prove that Emery was in fact the owner of his store" --- despite Emery's repeated references throughout the trial to "his store"

The next fifteen pages appeared in the Winter 1988-89 edition of "Freedom Flyer" (No. 13).



THE CLARKSON CONTROVERSY

Freedom Flyer

The official newsletter of the Freedom Party of Ontario

Winter 1988-1989

- ✓ FREEDOM OF CHOICE
- ✓ COMPETITION
- ✓ PRIVATE PROPERTY RIGHTS
- ✓ FREEDOM OF RELIGION
- ✓ JUSTICE
- ✓ SELF-RESPONSIBILITY
- ✓ FREE ENTERPRISE



SUNDAY SHOPPING

NOT JUST A SINGLE ISSUE!

THE FREEDOM PARTY CAMPAIGNS

Dresden opposes Sunday shopping

By BOB BOUGHNER
News Staff Reporter

DRESDEN — "We don't want it!"

That was the clear message regarding Sunday shopping Dresden Mayor Les Hawgood gave last night to Ontario's Solicitor General Joan Smith during a discussion on the Sunday shopping issue, sponsored by the history department of Lambton-Kent Composite School.

Hawgood said it appears as if the province is treating the Sunday closing issue in a similar fashion to another "hot potato" it had on its hands last year — the question of beer and wine at corner grocery stores.

"Instead of dealing with the subject themselves, the provincial government is shoving off its responsibility to the municipalities," said the Dresden mayor. "I would like to see the government shelve this Sunday shopping business the same way it shelved the corner beer and wine issue."

Hawgood, one of a six-member panel, said he has the support of all Dresden merchants and townspeople when it comes to opposing Sunday shopping.

The mayor was supported by town businessman Brent Babcock, chair-

'We don't want it,' mayor Hawgood tells discussion panel at LKCS

man of the Dresden Business Association.

Babcock argued that having to remain open Sundays would only add to the cost of operations for most retailers and those costs — estimated to be 15 per cent — would then be passed on to consumers.

He also contended that few new jobs would be created.

But London bookstore owner Marc Emery, who is currently challenging the Sunday closing legislation in the courts, told the audience, estimated at 120 people, that the customer is always right "and customers want Sunday shopping."

"Everyone I know shops on Sunday, whether it be at the corner convenience store or at a mall. In fact, I doubt if there is one person in this hall tonight that hasn't shopped on a Sunday."

Emery said businessmen and women have to learn to put aside their

personal preference and serve the public.

"It's a poor businessman who runs to go to government to try and close down his competitors on Sundays."

Emery said he doesn't think the government should be allowed to penalize him if he wants to work Sundays.

"I don't think you want the government to tell you if it's okay to watch television on Sunday or rake the lawn."

Rev. Jake Binnema of the Dresden Ministerial Association, said the provincial government has the responsibility to tell retailers they can't open on Sundays.

He claimed that 30 per cent of the Ontario work force is in the retail trade and of that 70 per cent are mothers with children. He said they often have to decide between spending time with their children and working.

"The government should not permit

seven days of an unbridled consumerism ratrace. There is more to life than shopping."

Binnema argued that the province has failed to do its duty by dropping the Sunday shopping matter in the hands of municipalities.

Robert Metz, president of the Freedom Party of Ontario, claimed that Sunday shopping should never have become a political issue.

"It's simply a personal preference."

At the same time, he said the Peterson government benefits from retailers, who are made to act as tax collectors for the government.

And, he said, as a result of the latest budget, the retailers will now have to collect eight instead of seven per cent sales tax for the provincial treasury.

Smith said municipalities are being given the responsibility of deciding themselves if they want Sunday shopping. And she noted there are currently 26 municipalities in the province which now allow Sunday shopping under the tourist exception to the Sunday closing law.

She said that under the proposed new law, shopping malls would not be allowed to force its stores to open Sundays.

Chatham Daily News, April 22, 1988

The article at left (our apologies for reproduction quality) represents but one of the many occasions in which Freedom Party leader Robert Metz and FP Action Director Marc Emery debated the issue of Sunday shopping with high-profile politicians around the province, including Ontario's Solicitor General Joan Smith.

Remarkably, various groups organizing debates on the issue were having a tough time finding speakers or debaters willing to argue the issue from a pro-choice point of view. As a consequence, we found ourselves being invited to forums all around the province — opportunities that may have been denied us were it not for the Sunday shopping issue.

Space simply does not allow for a complete accounting of each debate and forum: among them were FP leader Robert Metz's guest appearance on a live two-hour open-line talk show "Off the Cuff" (CKCP-AM radio, Brantford Ontario) with host Robert C. King and opponent Les Kingdon of "People Against Sunday Shopping" aired February 20, 1988 and FP action director Marc Emery's debate with London controller Orlando Zamprogna (CHRW-FM radio, London Ontario) aired live thirty minutes after Emery's release from jail on a Sunday shopping charge.

Many of the debates, interviews, conversations, and open-line talk shows will soon be available to Freedom Party members and supporters on video and audio cassettes. Watch for our announcement coming up soon.



NOT JUST A SINGLE ISSUE!

ANATOMY OF THE SUNDAY SHOPPING DEBATE



Overview.

By the end of January 1988, public lobbying *against* freedom of choice in Sunday shopping was reaching a crescendo.

Many of the well-established retailers, fearing the prospect of competition on a day that has traditionally (for them, at least) been a "day of rest", were spending thousands of dollars on newspaper advertising aimed at swaying the public (and politicians!) to use the law to *force* their competitors to remain closed on Sundays.

Even though the ads were highly emotional and completely lacking in substance, few had the courage to publicly address the moral and legal vacuum in which the issue was being debated. It is alarming, in a free society, to watch so-called "community" groups, "reputable" retailers, and politicians display such utter disregard for (and ignorance of) the fundamental principles that make a free and prosperous society possible.

Whether they were for or against the idea of Sunday shopping, most of the major participants in the Sunday shopping controversy (i.e., politicians and the business, labour, and special interest groups who were lobbying them) completely avoided any mention or discussion about the *consequences* and *significance* of Sunday shopping laws.

No one seemed concerned that Sunday shopping laws were being directed at people whose only "crime" was trying to earn a living as they best see fit. No one seemed concerned that Ontario's Sunday shopping laws have already been declared a "justifiable" violation of *freedom of religion* --- and remarkably, the groups who had the most to lose by this decision (i.e., organized religious groups) were among those who were doing the most celebrating when the Supreme Court of Canada declared that freedom of religion could be overruled (December, 1986).

Most alarmingly, the legal, moral, and social significance of Sunday shopping laws seems lost on most voters. Few people understand how subjective and arbitrary laws tend to multiply to the extent that eventually, any citizen could find himself in legal peril simply for making a choice that disagrees with some irrelevant and unsubstantiated "majority".

The London Free Press

Established 1849

B6—Saturday, February 20, 1988

Sunday's changing face

In the past, The London Free Press has endorsed the idea of Sunday as a common pause day during which most regular types of business activities would be closed, to provide families a period of time to spend as they choose: in rest, worship or recreation.

That concept in itself was the product of an evolutionary process; it was not so long ago that, for most, Sunday was a day restricted to religious-oriented activities, when most forms of commercial recreation were considered inappropriate.

Times change, as do community standards. There is no longer a need for government to regulate a common pause day, nor any reason to regulate shopping hours on any other day of the week. Retailers should be free to determine their own hours and days of business, based on the perceived need for their service.

Despite the emotional appeals made by those who fear that the traditional family lifestyle will suffer, the modern family's priorities are no longer geared to closed Sundays. Besides, in a pluralistic society such as ours, the law should not be used as a tool by some people to impose their views of what constitutes appropriate Sunday behavior on others.

By no means all of those who oppose Sunday shopping do so from a religious perspective. Some store owners prefer not to work, nor to ask employees to work, on Sundays. Labor unions fear retail workers will be forced to give up a traditional day of rest.

Family considerations are important but rather than restrict opportunities for common activities, open Sundays should increase them: When many stores are closed on Sundays, busy families have to squeeze shopping and price comparison trips into hectic Saturdays. By having the freedom to extend those activities over a longer period, leisure

activities that must now take place only on Sundays — or not at all — can be spread out over a longer period.

The argument in favor of a pause day has become antiquated. For many, Sundays and holidays are no longer days of rest: Police, firemen, workers in manufacturing, those catering to tourism and recreation, corner store staff, and newspaper employees are called upon to work on those days so that others can continue to benefit from their services.

Provincial labor law sets out a minimum wage and the maximum number of hours staff can be required to work each day and each week and establishes when overtime must be paid. Apart from that, one of the few non-retail prohibitions to Sunday activities is that contracts cannot be executed.

Many Canadians have learned to live with that system and would be annoyed if they were suddenly deprived of services they have come to depend on each Sunday and holiday. Many churchgoers, for instance, rely on public transportation to get to their place of Sunday worship.

Consider the outcry if we turned on the television set Sunday afternoon to watch a football game, only to find the athletes had been told they could no longer play, the television network was ordered not to produce a program because its staff needed the day off, and the TV wouldn't work anyway because Ontario Hydro had been ordered to close shop so its employees could enjoy a pause day.

Public demand requires many people to work Sunday and their employers have responded by giving them another day off instead.

The time has come for government to stop dictating what stores can open for business on Sundays. It should be left to individual choice.

Monday: The next step.

The London Free Press editorial above appeared a week after our ad (overleaf) was run in the paper. Coincidence?

YES! TO FREEDOM OF CHOICE IN SUNDAY SHOPPING!

SUNDAY SHOPPING IS NOT JUST A SINGLE ISSUE!

YES! to INDIVIDUAL CHOICE:

Everyone should have a choice when it comes to Sunday shopping! But in order for **Some** people to have their freedom of choice, it is important that they respect **Other** people's freedom of choice as well. Those who do not wish to shop (on **Any** day of the week) have no right to impose their choice on others. And vice-versa. That's why **Political Referendums**, and 'local options' will never be able to accommodate everyone's choice. With freedom of choice, consumers can "vote" with their dollars **Every Day Of The Week!** What could be more fair than that?

YES! to SELF-RESPONSIBILITY:

Freedom of choice and responsibility go hand in hand. No matter what choice individual retailers or consumers may make with respect to Sunday shopping, the benefits or consequences are theirs to reap. One person's freedom of choice, when responsibly exercised, **Never** imposes an undue obligation on others. Retailers and consumers who **choose** Not to participate in Sunday shopping are doing so out of conviction. Let's make sure their personal "convictions" don't result in the legal "convictions" of others.

YES! to PRIVATE PROPERTY RIGHTS:

Sunday closing laws violate fundamental principles of private property rights. Certain retailers are being told that, every Sunday, they will not be permitted to exercise their right to the peaceful use of their property. Think about it. How would **You** feel if someone suggested you should not be allowed to turn on your TV set or drive your car on a Sunday? When politicians can tell retailers what to do with their property, simply by "passing a law", then there's nothing to stop them from "passing a law" to prevent **You** from using **Your** property. Like homes, retail stores belong to their **Owners**, not to anyone else.

YES! to INDIVIDUAL JUSTICE AND EQUALITY BEFORE THE LAW:

Justice demands that **Every** citizen be treated equally before the law. No matter how you look at it, Sunday closing laws just don't work. With all the exceptions, regulations, and selective restrictions outlined in Ontario's **Retail Business Holidays Act**, there isn't a person alive who could reasonably argue that the law is "equally bearing upon all." And the only standard that fills that bill is called **Freedom Of Choice**. Let's be fair to everyone and abolish the **Retail Business Holidays Act!** Even if 99% of Ontario Consumers refuse to shop on Sunday, that's no reason to treat the remaining 1% like "criminals".

YES! to FREEDOM OF RELIGION:

On December 18, 1986, the Supreme Court of Canada ruled that Ontario's Sunday closing laws represented a "justifiable" infringement of our **Freedom Of Religion**, even though Seventh Day Adventists, Jews, Moslems, Atheists, and Agnostics (among others) are not Sunday worshippers. When the ruling was announced, many church groups and religious leaders actually applauded the decision. Worse, some have even organized to **Fight Against** freedom of choice in Sunday shopping by favouring a law that openly violates **Freedom Of Religion!** Imagine that! Among many other things, individual freedom depends upon a clear separation of church and state. Remember, no one is being asked to give up their faith or the practice of their religious convictions. Freedom of choice merely requires us to respect the right of others to **Their** beliefs and convictions. People with differing religious convictions and people with no religious faith have a right to their freedom of choice too. After all, that's what **Freedom Of Religion** is all about!

YES! to FREEDOM OF ASSOCIATION:

Ontario's Sunday closing laws not only prevent customers from freely associating with retailers, but they also limit the number of staff allowed to serve the customer. But there's no reason why those who work on other days of the week should be treated differently. Similarly, those who want to shop on Sundays should be treated equally.

YES! to FREEDOM OF SPEECH:

Recently, retailers have actually been charged for allowing the public to "browse" in their stores and shops on a Sunday. As absurd as it may seem, Ontario's **Retail Business Holidays Act** effectively makes it illegal to "discuss the sale" of items that are prohibited from being sold on Sundays. A visit to your local gardening centre during the summer, for example, may reveal posted signs on lawn furniture and certain home gardening accessories that say something like: "Sorry, we are not permitted to discuss the sale of this item on a Sunday." Should talking about patio furniture be considered a crime?

YES! to FREE ENTERPRISE:

It's funny how there are so many more people who **Talk** "free enterprise" than there are people who actually **Practice** it. It's funny because among the biggest **Opponents** to Sunday shopping are business groups and retailers themselves, including many who claim to uphold the principle of free enterprise. Still, they want the government to interfere with the peaceful operation of businesses that do not belong to them, and are lobbying politicians to fine and jail honest, peaceful businesspeople who merely happen to view their business obligations to their customers differently. If you believe in **True** free enterprise, then be aware that those businesses lobbying to deprive **YOU**, the consumer, of your right to choose, are your enemies adopting a misdirected and dangerous course of action not your friends. They want to restrict the businesses who prefer to serve you on your terms, while demanding special privilege protecting them from competition... and that's **NOT** free enterprise. The "free" in "free enterprise" refers to **Freedom From Government Intervention** and from the **Political Intervention** of one's fellow citizens.

YES! to THE FAMILY:

There's no doubt that there are many families who prefer to spend their Sundays as a day of rest, but consider this: There are also families who like to **Shop** together; there are families who like to **Work** together; and there are even families whose members would rather have nothing to do with each other. And let's not forget, there are families who **Depend** on the income they earn on Sundays. Just like individuals, families have differing needs, preferences, and lifestyles. Freedom of choice accommodates **Every** family.

YES! to COMMON SENSE:

Some people believe that the freedom to shop on Sundays will "force" retailers and their employees to work on Sundays. It just isn't so. The idea that one's commitments, responsibilities, and obligations constitute "force" is not only misleading, but entirely inappropriate and improper. People who choose to work in retail have **Obligated Themselves** to serving the customer, not the reverse. And that kind of "obligation" is what **Self-Responsibility** is all about! There are other people who seem to believe that Sunday shopping will mean that retailers and their employees will be forced to work seven days a week! It just isn't so. Just because **Stores** may happen to be open seven days a week doesn't mean that people will have to work "seven-days-a-week". Just as now, most people will still have **Two days per week** on which they will not have to work. Better still, for in retail, Sunday openings can provide a greater margin of flexibility in scheduling of work hours. That means retail employees who have not been able to have **Two Days Off In A Row**, because of forced Sunday closings, may now have that option. Common sense scheduling along with an increase in the work force, will usually see to it that even those who work on weekends will have the opportunity to book many of their weekends off. And always remember, freedom of choice means that any retailers who want to remain closed on Sundays still have the freedom to make that choice. In fact, they can close their stores on **Any** day of the week.

YES! to INDIVIDUALISM:

Imagine a world where every store opened at the same time, sold the same products, charged the same prices, looked the same, and was run by people who all acted the same. What a terrible world that would be. Thank goodness we live in a society enhanced by individuality, variety, and difference. Isn't that what the Sunday shopping issue is really all about?

YES! to A NEW CHOICE, NOW!

All **Three** of Ontario's traditional political parties are **Opposed** to freedom of choice in Sunday shopping. They believe that someone other than **You** should have the right to control **Your** choice on a Sunday. Even so, David Peterson and Joan Smith are **Right** when they say that Sunday shopping shouldn't be a provincial matter. And our municipal leaders are also **Right** when they say that Sunday shopping shouldn't be a **Municipal** matter. Unfortunately, they all believe the choice belongs to anyone but you! **Freedom Party** believes that the **Purpose Of Government** is to **Protect our Freedom Of Choice**, **Not** to restrict it. Whether you're a **Retailer**, an **Employee**, or a **Customer**, when it comes to when you shop, it should be **Your** choice.....even on a Sunday!

FREEDOM PARTY RESPONDS THROUGH NEWSPAPER ADVERTISING

The real issue behind the Sunday shopping controversy has nothing whatsoever to do with "shopping" or with "Sundays". The real issue is **freedom of choice!**

To make this point perfectly clear to both sides in the debate, Freedom Party executive initiated and produced, on an experimental basis, two versions of a full-page newspaper ad aimed at defining the issue for the public and politicians alike. Under the headline: **YES! TO FREEDOM OF CHOICE IN SUNDAY SHOPPING!**, we clearly laid out why "Sunday shopping is not just a single issue!"

A reproduction of the longer version of this ad, placed in the *London Free Press* in February 1988, appears in the centre pages of this newsletter. Since the ad appeared shortly before David Peterson called the London North byelection (see last issue, *Freedom Flyer*), a pre-election announcement by Freedom Party's candidate was placed in the lower right-hand corner. Also appearing in the ad were the names of those supporters and members whose contributions, totalling almost \$5,000, paid for the full-page ad. (Our apologies to Joanne Metters, whose name was inadvertently omitted from the ad; sorry Joanne, it won't happen again.)

A second, shorter version of the ad was later placed in the *Welland Guardian Express* in April 1988. By coincidence, it too appeared shortly before another provincial byelection in the riding of *Welland-Thorold*, and like the *London Free Press* ad, it also carried a pre-election message by our candidate (see coverage, elsewhere in this issue).

DOM PARTY

YOUR NEW CHOICE NOW!

THE PURPOSE OF GOVERNMENT IS CHOICE, NOT TO RESTRICT IT.

SUPPORT FREEDOM OF CHOICE

FILL OUT AND MAIL TODAY!

(OR BRING IT TO OUR OFFICE PERSONALLY, 364 RICHMOND ST., 3RD FLOOR, DOWNTOWN LONDON)

FREEDOM PARTY OF ONTARIO IS OFFICIALLY REGISTERED

I'M PROUD TO BE THE **ONLY** CANDIDATE IN THE UPCOMING LONDON NORTH BYELECTION SUPPORTING FREEDOM OF CHOICE IN SUNDAY SHOPPING!

— BARRY MALCOLM, FP CANDIDATE, LONDON NORTH

THIS ADVERTISEMENT WAS PAID FOR BY MEMBERS AND SUPPORTERS OF THE FREEDOM PARTY OF ONTARIO, INCLUDING:

ROBERT METZ PARTY LEADER BARRY MALCOLM CANDIDATE - LONDON NORTH MARC EMERY ACTION DIRECTOR

Lloyd Walker, Robert Smeenk, Murray Hopper, Chris Baker, Gordon Deans, David Hogg, Mark Pettigrew, Dean Hodgins, David Bawden, John Cossar, Lynda Doberstein, Paul Dinardo, Frederick Dreyer, Mark Elms, William Frampton, Ian Gillespie, Mary Lou Gutscher, Andrea Hanington, Doreen Kimura, Sandra Chrysler, Lois Mood, Tony Panos, M.D., Wendy and Mike Patterson, Steven Sharpe, David Southen, Robert Vaughan, Kathleen Yurcich, Lili Cummins, Peter Vandenberg, Chris Doty, Greg Jones, Andrew Boyle, Ray Monteith, C. Richard Fagley, Brendalynn Metz, Linda and John Runge, Lawrence Mood, Aldo Vicia, David Kohlsmith, David Pengelly.

IF YOU WISH TO OFFER YOUR SUPPORT AND COMMENTS, PLEASE CALL:

433-8612 OR 433-3305

FITZGERALD ADDRESSES SUNDAY SHOPPING COMMITTEE

IT'S A MATTER OF CHOICE

On August 29, 1988, **Freedom Party** was represented before Ontario's *Standing Committee on Administration of Justice* by **Barry Fitzgerald**, our official representative in the riding of *Welland-Thorold* since April 1988 (see coverage, last issue), and our candidate in that riding's '88 byelection (see coverage, elsewhere in this issue).

Of the twelve presentations made to the committee that day, Fitzgerald's was the only one argued from a principled and consistent position which, as is so often the case with **Freedom Party's** public advocacy of individual rights, earned him his own headline in local press coverage of the event.

"I realize this committee is a sham, but I'm hopeful I created a spark in someone that they will take back to the legislature," Fitzgerald was quoted in the *St. Catherine's Standard* (Aug. 30, 1988), which then went on to observe: "That mix of anger and optimism was displayed by many of the presenters."

A brief, edited synopsis of Mr. Fitzgerald's presentation to the committee follows:

Mr. Chairman, members of the committee:

Let me begin by reviewing some of the reasons it is claimed that we "need" Ontario's Retail Business Holidays Act

"The common pause day": Well, "common" means "belonging to everyone". Obviously, there is no such day as many people are required to work Sundays, and many other people rely and depend upon those working for the goods and services they provide.

Some claim that "Working Sundays destroys families". I have yet to hear anyone claim that their family fell apart because one member had to work on a Sunday. But I have heard about the stresses of those workers who work on three rotating shifts, or workers who are required to work away from home for extended periods of time. These workers cannot be protected by law. They rely on the strength of their family bonds to overcome the hardship.

We must learn to recognize that every family is unique. We should also note that many families have come to depend on the money that they earn on a Sunday. How can we accommodate everyone? The only answer I can come up with is to give the choice to the individual.

We have heard the argument put forth that "We don't need Sunday shopping; it could increase prices by as much as 15%"

If we take this argument to its logical conclusion, we would find that with good planning, we could get by with only one shopping day a week, and thus reduce prices by as much as 70%!

Obviously, this isn't realistic. I have found that the Canadian Tire store in the official "tourist area" of Fort Erie has the same prices on Sunday as the Canadian Tire store in the unofficial tourist city of Welland, which is only open Monday to Saturday.

Some claim that Sunday is a Christian holiday."

'A matter of choice' Fitzgerald argues

ST. CATHARINES (Staff) — Striking the Retail Business Holidays Act from the books is the only way to guarantee fairness to all Ontarians, says Wellander Barry Fitzgerald.

The Atlas Steels worker, appearing before an all-party select committee which held hearings on Sunday shopping yesterday in St. Catharines, said current-legislation — even under proposed amendments — is unfair.



Fitzgerald... personal choice

"The majority of people don't care one way or another about this issue," said Fitzgerald, a member of the Ontario Freedom Party. "We believe it's an individual decision, and the government should not try to make it for you.

The Retail Business Holidays Act doesn't treat everyone equally, he said, noting many religions observe the Sabbath on days other than Sunday. Moslems, for instance, observe it from sunset Friday to sunset Saturday.

"We are imposing a day of rest on all religions whether they want it or not."

Fitzgerald also questioned claims by opponents of wide-open Sunday shopping that it would tear the family fabric.

"I have yet to hear anyone claim that their family fell apart solely because one member of the family had to work Sunday."

He said the Employment Standards Act already stipulates the number of hours employees work in a week, so further legislation is not necessary.

"The only answer is to give the choice to the individual."

But some members of the committee, made up of seven Liberal, two Conservative and two New Democratic MPPs, took Fitzgerald to task for his views.

"You've got a real strange notion of freedom, sir," Etobicoke-Rexdale NDP member Ed Phillips told Fitzgerald.

Mike Farnan, NDP member for Cambridge, also disagreed with Fitzgerald's stand.

"Freedom is an inter-related concept; one person's freedom is an imposition on another person," he said, adding that employers would find loopholes in legislation guaranteeing employees would not have to do "undesirable" Sunday work.

"I think you live in an unrealistic world," he told Fitzgerald.

Regional Coun. Mike Collins, an outspoken opponent of Sunday shopping, said the existing retail law would be effective in "maintaining the quality of life" associated with having Sundays off if a few minor variations were made in the legislation.

Collins wants bona fide Sunday openings recognized — where businesses close Saturdays for religious reasons — and he wants changes made in the legislation to close some of the loopholes, such as supermarkets "disguising themselves as drug stores."

He also called for stiffer fines for those defying the retail act, and for the approving of all future tourism exemptions by the province.

Let us look back to the year 1906 when the **Lords Day Alliance** persuaded parliament to pass the **Lords Day Act**, which banned movies, concerts, dancing and sporting events on a Sunday. The **Retail Business Holidays Act** became a companion Act which legislated that virtually every business close on a Sunday.

Times have changed. The **Lords Day Act** was found to be unconstitutional under the Canadian Constitution and it was repealed. The **Retail Business Holidays Act** was amended, with all references to the Lord's Day removed in a effort to disguise the intent of the Act.

We are now considering amending this Act once again, when we should be considering its repeal.

The religious argument boils down to this: "We don't believe in doing business on Sunday --- so you can't."

I would like to bring to your attention Ontario's **Religious Freedom Act**. It begins: "Whereas the recognition of legal equality among all religious denominations is an admitted principle of provincial legislation..."

Did you notice the term "legal equality"? Do the **Retail Business Holidays Act**, **Bill 113** or **Bill 114** conform to this principle? I think not.

The Act made an exemption for Jews, Moslems and Seventh Day Adventists, since they observe the Sabbath from sunset Friday to sunset Saturday. They were allowed to open Sundays if they closed for 24 consecutive hours within a 32 hour period immediately preceding Sunday. But what of their further restrictions which only permit a maximum of seven employees and the use of 5000 square feet on a Sunday? There is no day that stores who are closed on Sundays must be subject to these restrictions!

Bill 113 would change the wording of these restrictions to allow Sunday openings subject to being closed on another day during the week, without employee and store size restrictions. But consider the case of the Bahai Faith, which has its own calendar, with months of 19 days each, and no "weeks", as such. How are the Bahai's accommodated by the law? They are not.

Reaction to Fitzgerald's submission was predictable, given the collectivist philosophies of the Committee's members.

In response to Fitzgerald's assertion that "The only answer is to give the choice to the individual", committee member Ed Philips (NDP, Etobicoke-Rexdale) commented "You've got a real strange notion of freedom, sir", while Mike Farnam (NDP, Cambridge) concluded "I think you live in an unrealistic world."

The fact that this "unrealistic" world operates quite well for six days a week was obviously not enough evidence for those predisposed to regulating and controlling the lives of others, a strange notion of "freedom" if ever there was one.

Farnam's comment that "Freedom is an inter-related concept" is undeniably true, but his belief that "one person's freedom is an imposition on another person" reveals a gross misunderstanding of the nature of individual freedom and of its natural limits. These limits can only be legally enforced through the observance and entrenchment of private property rights, the very mechanism which is being directly violated by Sunday shopping laws.

Yet, Farnam's confusion on the issue is one that is popularly shared by many, and on which politicians of all three major parties have been promoting their positions. It is a tragic irony that the very people who claim to be expressing concern with the "imposition" of one person's choices on another person are those who seem to have no hesitation in imposing their opinions on Ontario retailers.

Their opposition to the entrenchment of private property rights, coupled with their organized resistance to any application of individual rights and choice is the proof of the three major parties' intentions: political power at any price. Another reason why... Sunday shopping is not just a single issue.

The only way we can achieve LEGAL equality of religion is to repeal the **RETAIL BUSINESS HOLIDAYS ACT* AND FORGET ABOUT Bills 113 and 114.**

Bill 114 allows a retail employee to refuse "unreasonable work" on a Sunday. But what about employees of different religions who think that working on Saturday or any other day of the week is "unreasonable"? And why only **Retail** workers?

Bill 113 Section 5 Subsection 2C raises some interesting problems since it now forces corporations to adopt a "religion". The government of Ontario is in the retail business, so what I'd like to know is what is the official religion of the Province of Ontario?

The real issue is choice:

We should never forget that businesses belong to people and as such, are someone's property. Sunday closing laws violate their property rights by denying the business owner peaceful use of his property for one day of the week. Some retailers believe that the customer is always right and have opened on Sundays in violation of the law --- not to flaunt the law, but to meet the needs of their customers.

The legal paradox of their action places them in the position where only one party to their illegal transaction is prosecuted, fined, or jailed. Who is the victim of this hideous crime? The only person victimized is the merchant, for being in the wrong business, in the wrong town, or in the wrong area of town where such transactions are perfectly legal elsewhere, or for just having "too big" a store, or for giving jobs to "too many" people. The customer he is serving is never charged, yet without the customer's involvement, no law would be broken.

The **Employment Standards Act** already sets the maximum number of hours one may work in a week, so **Bill 114** is completely unnecessary.

David Peterson and Joan Smith are right when they say Sunday shopping is not a provincial matter and like them, municipal politicians are also correct when they say that Sunday shopping is not a municipal matter either.

Sunday shopping is a matter of choice. The only answer to the Sunday shopping issue is to give that choice to the individual.

FORCED TO WORK? FORCED TO CLOSE? IF FORCE IS...

OPEN-LINE ON SUNDAY LAWS

The following conversation took place on the radio phone-in program *Talkback*, which was aired live on *CFPL-AM [Radio '98, London]* on December 27, 1988. This was the day after several stores in the Toronto region (but only one store in London) were charged for being open on Boxing Day, December 26.

The program's guest: Ontario's Solicitor-General Joan Smith, who, for the past year or so, has been touring the province trying to sell the Peterson government's newly-announced policy of placing political responsibility for Ontario's Sunday shopping laws squarely on the laps of Ontario municipalities. A highly unpopular move, the Ontario Liberal Party's strategy on this issue has provided more than enough evidence of the unworkability of laws which flagrantly violate our fundamental freedoms. Better still, the arguments, logic and evasive tactics employed in their defense of Sunday shopping laws have clearly demonstrated the lack of respect and outright contempt our politicians have for our fundamental freedoms. To prove the point, witness the following conversation:

The Participants:

1. Program Host: **Anne Hutchison,**
2. Program Guest: Ontario Solicitor-General [and London South MPP] **Joan Smith,**
3. Program Caller: **Freedom Party** President and Leader, **Robert Metz.**



Sam McLeod/London Free Press

London Free Press, December 28, 1988

Ontario Solicitor-General Joan Smith, left, was pleased with the respect shown by London store operators on Monday — Boxing Day — for the Retail Business Holidays Act. She appeared Tuesday on Radio 98's *Talk Back* program hosted by Ann Hutchison.

Metz: Good morning Anne. Good morning Joan.

Smith: Good morning.

Metz: Joan and I have debated Sunday shopping several times over the past few years, and there's always been one fundamental question I've really never got around to asking and...

Hutchison: Bob, can I just point out who you are?

Metz: Sure.

Hutchison: Bob Metz actually ran against Joan in London South.

Smith: That's correct.

Metz: Yes, and I've also appeared before Joan at one of the many committees on Sunday shopping. As well, we've debated in other forums on this issue.

Joan, as Solicitor-General, I've never really asked you this question before: Do you consider Sunday closing laws to be *justice*? If so, I'd like to know on what particular principles of justice do you think Sunday closing laws operate on.

Smith: Well, if you're talking about deep moral justice, I don't think that it has anything to do with Sunday closing. Open or closed, it's not a moral issue.

Metz: You don't think it's a moral issue to have freedom of religion, to have property rights, to be treated equally before the law?

...WRONG, IT DOESN'T
MATTER WHETHER YOU'RE
"FORCING" SOMEONE TO...

Smith: If a community wants to have a law (where) they want the stores closed, and the majority of the people want that, or elect people who say that, they're entitled to do that, like many regulations we have.

Metz: Well, if the community can "do whatever it wants", i.e., the "majority", what I want to know is: What *protection* does any individual have from "whatever the community wants"? That's not justice. How is that justice? You're telling me that if ten people want something, and five people have it, the ten people get it. That's *justice*?

At this point in the conversation, Joan Smith no longer responds, while the program host, Anne Hutchison, assumes the offensive.

Hutchison: Bob, the way our society works is we have an Ontario government, a federal government, and a

municipal government, and they all make laws in certain areas. The question that we seem to be discussing this morning is whose decision should this be?

Metz: Precisely! And whose decision *should* it be? (A store) only belongs to one person, the retailer or store owner. Who else --- physically, morally, ethically, justly, logically, pragmatically, philosophically, religiously --- who has the *right* to decide with XYZ store except the owner of that store? Who (else) in God's name has that right, and how did they get it?

...OPEN OR "FORCING"
THEM TO CLOSE.

Hutchison: Bob, I think that's just not the way our society works. Generally because there are unscrupulous business people and unscrupulous people in every area of life, that often we have to have restrictions on...

Metz: ...on *unscrupulous* behaviour, of course! But opening a store on a Sunday isn't "unscrupulous" behaviour. If it were, then it would be unscrupulous on Monday to Saturday!

Hutchison: And do you think that forcing people to work on Sundays is unscrupulous?

Metz: No one is (being) "forced" to work on a Sunday. (But) think of your argument: if "force" is wrong, how can you justify... *forcing* somebody to close (their retail business)? If *force* is wrong, then it doesn't matter whether you're "forcing" someone to open or "forcing" them to close.

What you really have to do is *define* the word, "force".

No one is being "forced" to work on a Sunday. Nothing (amuses) me more than hearing somebody say "I don't want to work on Sundays, but I think I have a *right* to a job *whose very nature* it is to be open on a Sunday." That's like some guy saying, "I'm terribly afraid of heights, but by gosh I'm going to run to government so I can get a job in high-rise construction --- but I (refuse) to work above the second floor!" That's the logic that's at work.

Hutchison: Okay Bob. Thanks for your call. Bye bye.

Obviously there are some people, Joan, and we've heard a couple of them this morning who just feel that the government has no business interfering, that they just shouldn't be making these kinds of laws at all.

Smith: Well, there are people that feel that way. There's a lot of pressure for less government. On the other hand, there (are) people (who) want more and more protection.

We realize, for instance, getting a little bit off topic, that the environment needs protecting, and so we're getting more and more laws around traffic because of the numbers of cars on the road and the dangers of this sort of thing.

Basically, democracy is in place, and healthy. If people elect a lot of people from the **Freedom Party**, they'll get less regulations. But so far we're not overpowered by people voting for the **Freedom Party**.



JAILED FOR JUSTICE

On Tuesday, June 7, 1988, **Freedom Party** Action Director Marc Emery became the first person to serve a jail sentence under Ontario's *Retail Business Holidays Act* (RBHA), an act that prohibits retail stores from opening on Sundays, and which controls the manner of operation of those retail businesses which are exempted from forced closings.

As owner and operator of one of the most unique used-book stores anywhere, *City Lights Bookshop*, Emery has become widely recognized as a leading opponent of Sunday shopping laws --- not because he defied them, but because he was willing to risk going to jail to defend his right to operate his store as he best saw fit. It is a tragic irony indeed that he was forced to serve his sentence in the Elgin-Middlesex Detention Centre alongside others who were being held for crimes like car theft, property damage, assault, break and enter, etc. --- people who were in jail for doing to others the very thing that the Ontario government was doing to Emery --- violating someone's private property rights.

But Emery's road to jail was a rocky and uncertain one, punctuated with frustrations, failures and victories along the way. Most importantly, his experience offers all of us a concrete example of how arbitrary laws that violate a person's dignity and property reflect upon our justice system and those who administer it --- and of the power of a principled and uncompromised stance against this glaring injustice.

It all began on Sunday December 7, 1986 when Emery, like hundreds of other retailers around Ontario, opened his store in direct defiance of the RBHA, under the expectation that the Supreme Court of Canada was about to strike it down as being a violation of freedom of religion. As it happened, the law was found to be a violation of freedom of religion --- but that didn't matter. It was "justifiable" under Canada's "democratic" Constitution.

Unlike most retailers who justified their flouting of the law on shallow pragmatic grounds (i.e., "there's money to be made by being open Sundays"; "The customer wants Sunday shopping"; "either everybody should be closed or we should all be allowed to open", etc.), Emery made it clear that he was opening his store on *principle*. It was *his* store, and nobody else had any right to it.

"The reason I decided to challenge this bad law was because I was tired of listening to retailers justify their actions on exclusively pragmatic grounds, namely, that there was money to be made by opening Sundays," said Emery. "The public was beginning to get the idea that that was the only basis for Sunday openings and this became counterproductive to the whole issue."

"As long as the debate centered on *money*, and not on the *principle* at stake, the public and retailers alike were advancing the destruction of their own individual freedoms," said Emery. "No one was seeing the connection between a retailer being allowed the private control and ownership of his business --- or the homeowner being allowed the same right to his house, car, TV set --- whatever. That's what private property rights are all about!"

Perhaps police were too busy laying charges against retailers who had the means to pay the kind of fines the government was really after, but even despite Emery's advertised "Lawbreaker Specials" sandwich board in front of his store, no one came to lay any charges against him. So the following week (December 14, 1986), Emery made a point of having one of his press releases announcing his intentions to open illegally delivered directly to police headquarters in London.

It worked. Police showed up at his store to lay charges. Emery, however, was not in his store at the time. He was out campaigning with **Freedom Party** members and

London Free Press, March 8, 1988

Emery cleared on Sunday opening counts

By Chip Martin
London Free Press

Marc Emery won his latest court fight against Sunday opening charges on Monday without ever opening his mouth. The London retailer said that disappointed him somewhat.

A provincial judge ruled the prosecution failed to prove in evidence that Emery, 30, was the owner of *City Lights Bookstore* on Dec. 14 and 21, 1986.

The charge under Ontario's Retail Business Holidays Act said Emery "carried on" business on those days --- both Sundays --- in contravention of the act. He pleaded not guilty.

The outspoken operator of the store at 356 Richmond St. came to court, without a lawyer, prepared to fight the counts and marshalled his arguments in a neat file folder.

He didn't get a chance to speak. "I was going to condemn the law," he said later. Judge Douglas Walker said he didn't need to hear from Emery because the crown had failed to show Emery was connected to the business.

He said police witnesses had failed to prove Emery was in charge of the business or that he owned it. Evidence was that books were being sold the first day and given away free the second day.

Emery, sporting a button with the message "I love Sunday shopping," smiled

broadly when Walker dismissed the charges. The button was created by the Freedom party, which seeks to reduce government control in society. Emery ran for the party in the last provincial election.

Later, he said he had planned to note that the Ontario legislature amended its Sunday opening law several months after he was charged to permit booksellers to operate on Sundays.

Emery said he now operates every Sunday and still hasn't any plans to pay a \$500 fine imposed on him in February for being open one Sunday last July. At that time he vowed he'd go to jail rather than pay the fine.

The deadline for paying the fine is next Monday.

MARC EMERY: planned to condemn closing law



supporters who were stationed at illegally-opened grocery stores handing out pamphlets defending freedom of choice in Sunday shopping. In his absence, police laid charges against both Emery and his store clerk Lili Cummins for violating the RBHA. (Charges were later dropped against Ms. Cummins, despite her willingness to work on that Sunday.)

For Emery, this was the break he was looking for. Taking advantage of his high local profile, he immediately became a leading business spokesman on the issue, giving him the opportunity to address the issue on a moral and philosophic basis.

Four days later (December 18, 1986) came the tragic Supreme Court decision: the RBHA's violation of freedom of religion in Ontario was "justifiable" under Canada's "democratic" Constitution. There was still one Sunday left to open before Christmas (December 21), but few retailers, in light of the Supreme Court decision, displayed the courage necessary to continue the battle. With the support of the Supreme Court behind them, authorities were in a position to hand out some pretty stiff fines --- as high as \$10,000 per offence if they so decided.

(continued below)

"I've done nothing wrong; it's the Ontario government that's in the wrong."

-Marc Emery, June 1, 1988

At this point, even Emery felt it wise to proceed with caution. But having already publicly vowed to open his store again on the next Sunday, how could he do it without risking dire consequences --- and still follow through on his commitment?

Simple. Just play Santa Claus.

On Sunday, December 21, 1986, Emery opened his store to the public, but this time he would not permit any sales to take place. Instead, he would *give away books free!* Having checked with the police in advance, he was told this would be allright. After all, the law clearly stated that goods must be offered for sale.

When he opened his store on the last Sunday before Christmas, Emery gave away over \$1,500 worth of books, (at used-book prices, that's a lot of books), limited to two books per person. **Freedom Party's** Vice-president Lloyd Walker set up and manned an information booth in the store, and a collection box was set up to accept political donations to the cause.

But the police reneged on their word. Just as Emery was closing his store for the day, he was called by police and informed that even though no sales were conducted in his store that day, *charges would still be laid*. This was an unprecedented event and resulted in giving Emery a media profile that he could not possibly have anticipated.

Before he knew what hit him, his case was featured on the front-pages of newspapers right across the country. From Halifax to Vancouver, Canadians were hearing about one man's fight against an unjust law.

With his charges now pending before the courts, it was no longer necessary for Emery to open in defiance of the law. After each inevitable conviction, Emery reasoned, he could break the law once more, all that was necessary to keep his case before the courts --- and the issue before the public. Little did he realize that the wheels of *injustice* seem to turn every bit as slowly as the wheels of justice.

BRIEFLY . . .

Marc Emery released from jail

London bookstore owner Marc Emery was released from jail Friday after spending three days in Elgin-Middlesex Detention Centre for refusing to pay a fine.

Emery was convicted of operating his City Lights Bookstore at 356 Richmond St. on July 12 — a Sunday. He said he would go to jail rather than pay the \$500 fine for carrying on business on a Sunday. He was arrested Tuesday.

Had the fine not been paid — from money donated by store customers — Emery would have served a longer sentence.

He called his time in jail "a very sobering experience and a look at a harsh lifestyle." But, he said, that will not stop him from breaking the Sunday shopping law again.

His actions, he has said, are a deliberate attempt to generate publicity against laws requiring businesses to close on Sundays.

By March 1987, Emery still had not had his day in court, but provincial politicians once more amended the RBHA to allow for the legal opening of smaller bookstores on a Sunday. Which included Emery's store. Emery took advantage of the government-granted privilege and since March 1987 has been opening his store every Sunday --- legally.

By August 1987, Emery still did not have his day in court, but remained disturbed by the idea that the RBHA could dictate how many people he was allowed to employ in his store on a Sunday. So once again, in direct defiance of that law, Emery made a point of letting the media and police know that he would have "too many" people serve



JAILED FOR JUSTICE

his customers. In addition to his three Sunday employees (the "legal" limit at the time), Emery himself would be on hand to serve customers that day.

He was charged, and even though he still had not come to court to face his original 1986 charges, in February 1988 went to court to face the August 1987 charge of having "too many people" serve his customers on a Sunday. Emery did not employ the services of a lawyer, fully aware that legal fees were far more prohibitive than any fines he faced.

The verdict? Guilty.

When the judge asked Emery what fine he considered "appropriate" (A judge will ask what the prosecution is seeking; then ask what the defence thinks is reasonable.), Emery refused to respond on the grounds that negotiating his fine would amount to sanctioning his own guilty verdict. In response, the judge imposed the maximum fine sought by the prosecution: \$500.

This created an interesting legal paradox: had Emery not entered his own place of business that Sunday, no law would have been broken. In other words, Emery served his jail sentence simply for being caught on his own property.

Emery vowed that he would not pay the fine, announcing to the media that he could not do so with a clear conscience. He would allow the fine's due date to pass, and upon issuance of his arrest warrant, turn himself in to police. In the meantime, he set up a "Pennies for Principles" collection jar in his store, through which customers contributed \$330 towards the cost of his fine.

Three weeks before his arrest warrant was issued, a remarkable event occurred: Emery finally was to have his day in court on the *original* 1986 charge of opening his store illegally and giving books away free. The crown had already delayed proceedings four times, but on this, the fifth time, the crown finally presented its case.

As on the other charge, Emery represented himself without the assistance of a lawyer. He had fully prepared an argument denouncing a law that would dare to punish individuals for the peaceful use of their own property. After the crown had presented its case, Emery rose to give his defence but was immediately cut short by the judge who adjourned the court for a ten minute recess.

When the judge and prosecuting attorney returned, Emery was not permitted to speak. Upon "reflection", according to the judge, the crown had not conclusively determined that Emery was the owner of his store, *City Lights Bookshop*. Emery was declared *not guilty* before he even had a chance to utter a word in his defence!

Most remarkable was the fact that "ownership" was not a criteria for being charged under the RBHA. One does not have to be an owner of an establishment to be charged under the law; managers, employees, and

owners are *all* subject to the law. Not only that, but it was a well-known fact that Emery was owner of *City Lights Bookshop*, and that he had continually referred to it as "my store" throughout the entire proceedings --- and in his press releases issued to police.

Even worse, since Emery had already been convicted of the other charge of employing "too many people" in his store, how could such an argument possibly be applied? Since the crown did not determine such ownership as criteria for his previous conviction, why was it not overturned?

Like all laws that are arbitrary and not based on sound principles, the interpretation and enforcement of such laws is equally arbitrary.

Despite his victory however, Emery's problems were still not over.

Upon learning of the issuance of his arrest warrant, Emery planned to turn himself in to London police on June 2, 1988 and issued press releases announcing the fact. But much to his embarrassment, police wouldn't arrest him --- the proper paperwork had not been filled out.

"I couldn't foresee this kind of bureaucracy," Emery told the media. "When I called yesterday, I was told the warrant was on the computer, in effect immediately."

Emery's setback however, was short lived. By June 7, the necessary paperwork was completed and police arrived at his store to arrest him. He spent four days and three nights in the Elgin-Middlesex Detention Centre at which point he voluntarily paid the balance of his fine owing (as was his original intention), which had now been reduced to \$373, approximately the amount contributed to his cause by his customers.

For Emery, the entire experience represented proof of what he had been trying to illustrate about the nature of Ontario's Sunday shopping laws: that the government would go to any extreme length to impose its authority over a private individual's right to his own private property --- contrary to the repeated claims of those who insisted that no one would ever go to jail for a Sunday shopping violation.

Despite Emery's best efforts at trying to relay this message to the public, two myths were still being perpetuated by those who refused to understand the significance of his jail sentence: (1) that Emery "wanted" to go to jail, (2) that Emery served his sentence not for disobeying the RBHA, but for "refusing to pay a fine."

So let's make the point perfectly clear; let there be no misunderstanding: Emery went to jail not because he "wanted" to, nor because of any refusal to pay a fine. *He was arrested and jailed for standing up for his right to his own property.*

To suggest otherwise is to evade the truth --- and to evade justice itself.

Marketplace offers better education system

By Murray Hopper

The writer, a Londoner, is a founding member of the Freedom Party of Ontario

A free market provides a way of peacefully exchanging anything of value: goods, services, ideas, etc. The political requirement is democracy; the economic requirement is capitalism.

The marketplace transaction epitomizes freedom of choice: unless both the buyer and seller perceive a benefit, no trade will take place. There is no mystery here; almost daily we walk into a store, find what we want and buy it; if we cannot find what we want, we go elsewhere.

Note this: there is no coercion. The alternative to the above (and its antithesis) is the enforced transaction, where we are compelled to sell goods at less than their true worth, or buy goods we do not want at any price. Fortunately, it is against the law for our fellow citizens to attempt to deal with us in such a way. Unfortunately, governments are under no such restraint.

Our educational systems today are based on just such government coercion. The fact that the student body is a captive audience frees educators from any urgent need to satisfy the wishes of their clientele. Pupils cannot vote with their

feet; parents cannot vote with their tax dollars.

The recently released Radwanski report (Ontario Study of the Relevance of Education, and the Issue of Dropouts) and a study by the Business Task Force on Literacy are a litany of failure: the dropout rate is a "shame"; the system particularly shortchanges children of working-class families; an overhaul is needed: illiteracy is costing us \$14 billion; and on and on. Curiously, in all the welter of claims, counterclaims, recommendations and criteria no mention is made of the one action essential to true reform, namely: an end to government monopoly.

As matters stand now, only well-to-do Canadians have any real choice in the matter of educating their children, and then only by paying twice: once for the public school system they do not want, and again for the alternative school that they prefer. The family of modest means has no such option; it takes what the state hands out.

In our day-to-day lives, the marketplace serves us well; it delivers everything from aardvarks to zebras, amethysts to zircons, and autoharps to zithers. Why not call on proven market mechanisms to modify the present monolithic public system?

Consider, for example, the education

"voucher" or "tax-credit," as it is known.

For generations now, Vermonters have been benefiting from a system whereby local governments use tax dollars to pay tuition at local private academies rather than providing education directly. Today 95 of Vermont's 246 towns have no public high school. In such cases, the school district must pay to any approved high school, in or out of state, an amount equal to average annual high school tuition (\$2,675 for 1983-84).

Consider these virtues of the voucher system: it offers real choice; it introduces competition; it eliminates any separate school problem; it encourages diversity.

Other steps forward might lead to further variety in educational structures — such as teacher-owned co-ops, parent-run co-ops, educational corporations, trade union schools, single proprietorships, corporate grants and scholarships, restoration of the apprenticeship system.

In the United States, entrepreneurial challenges to state educational bureaucracies abound. Alternatives are now being offered in the form of franchised education outlets. Sylvan Learning Centre, for example, has established programs in cities all over the U.S., along with its competitors, such as Huntington Learning Centres and American Learning Corp. These firms constitute a completely new presence in the educational

market. Profit-oriented and innovative, the companies advertise that they can do in a few weeks what public schools take months to do. They make good on their claims too, as their balance sheets prove.

The handwriting is on the wall for all public systems. As incomes and expectations rise over the years, and more and more parents and students choose to opt out of government systems, there will come a time when justice demands an end to coercion in the matter of education and a phasing out or a severe modification of traditional approaches.

If some are uncomfortable with the application of the profit motive to education, it may be because they do not understand the nature of that great generator Profit goes only to those who have successfully complied with the capitalist maxim: find a need and fill it. The search for profit demands intelligence, hard work, persistence, and most of the other virtues that we admire in mankind. Profit eludes mediocrity or feeble effort.

You cannot achieve profit by raising prices; your competitors will clobber you. You cannot cut quality or service; your customers will desert you. The only way you can achieve profit is to cut costs. The one who is best at this is king of the marketplace: He is delivering the very highest quality at the lowest possible price. This is how "value" is defined.

Consider how smoothly and efficiently

the common hamburger is made available in our fair city. If you do not care to succumb to a "Big Mac attack," there's Burger King, Harvey's, Wendy's, and a host of other multinationals anxious for your business. If none of these appeal, there are a hundred restaurants, each with its own version of that particular culinary delight; and always, as a last resort — the back yard barbecue.

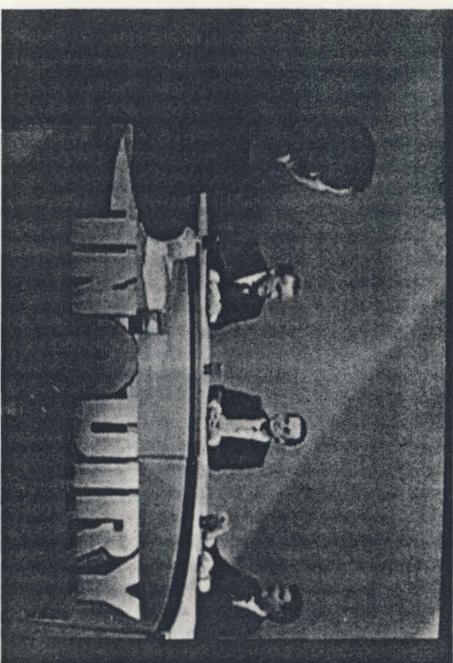
The reason for this happy state of affairs? Just this: no direct government intervention.

If there are any who find this comparison inappropriate, let them consider this: the lowly hamburger fills that void in the middle in exactly the same way that education seeks to fill that other void a couple of feet higher up. The same method of delivery works for both the sublime and the commonplace, because common principles apply in each case.

There is such a thing as a perfect market transaction in education. A couple of years ago, I had the pleasure of teaching one of my granddaughters to read. After Sunday dinners, we would play a little game involving the most common sound of each letter of the alphabet and the left-to-right linkage of these sounds. A few weeks of this and she was able to read simple sentences such as this one: "A cat bit a rat." She was not yet six. The perfection arises from this: the coinage was love.

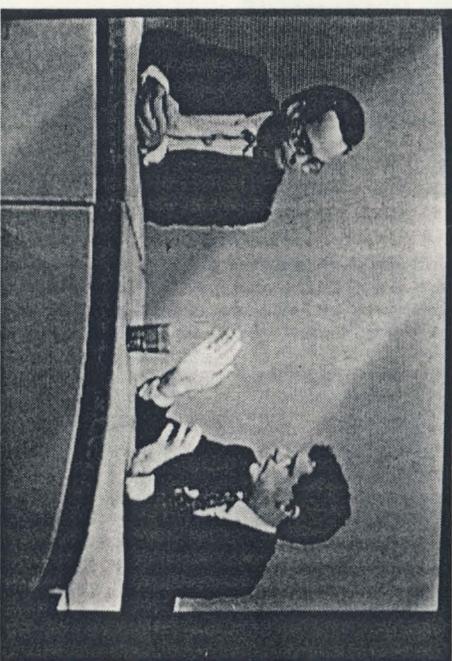
FP Action Director Marc Emery for freedom of choice in Sunday Shopping: Below: debating with Jack Burghardt, Deputy Mayor, City of London, and Mike Bradley, Mayor of Sarnia.

[CFPL TV London [Channel 10], Inquiry, January 15, 1989



Jack Burghardt "You know what could happen Mr. Emery, is the fact that we here in London could close everything up --- your bookstore as well. You should perhaps feel pretty thankful right now that you're allowed to stay open, because we could clean up the whole thing."

Marc Emery: "This is amazing! I'm asked to be grateful so I can exercise my own property rights peacefully and honestly. I think this is the ultimate corruption we see in our government today. Politicians think they're handing me a gift by allowing me to exercise the peaceful use of my property; my employees want to be there, my customers want to be there, I want to be there; everybody's happy but Mr. Burghardt."



Mike Bradley: "Mr. Emery doesn't care about the people out there who are at the low end of the spectrum, who are suffering, who are suffering as retail workers, who are surviving on minimum wage. You don't seem to care about those people. We happen to because we have to deal with those people. We have to work with those people and represent those people. You do not represent the poor people who have to work for minimum wage, and they're the people who are going to suffer across this province in the next couple of years."

Marc Emery: "I'm the person who pays these people.

Without me, they don't have a job. Without you, they could still be employed. If you disappeared tomorrow, no jobs are going to dry up. With me gone, they dry up. And if I don't have the ability to meet the consumer on my terms, those jobs don't exist. And I resent you saying that somehow you help people! You don't!

Below: Emery vs. Ontario Solicitor General **Joan Smith**, St. Thomas mayor **Janet Golding**, Anglican Diocese of Huron Arch-Bishop **Morley Pinkney** [CFPL-TV London, Inquiry, May 1, 1988]



Emery: "The pressure [to open Sundays] only comes from the consumer. It's the consumer who dictates whether we open 24 hours a day, 10 hours a day, 7 days a week, 6 days a week. Without the consumer, we wouldn't be in business and without the consumer we wouldn't have any way of determining our hours.

"So the pressure comes from the marketplace and that's what we're there to serve.

"Mayor Golding pointed out that her surveys show that the majority of business people are against opening on Sunday. To me, this is irrelevant. If I'm the only person in all of Ontario who wants to open, that should be my decision and my decision alone.

"After all, these are my customers --- not Mayor Golding's --- and it's my store. I certainly did not start my business to be told what to do by Joan Smith or Mayor Golding or the church. I open my store to sell books to the people who want them."



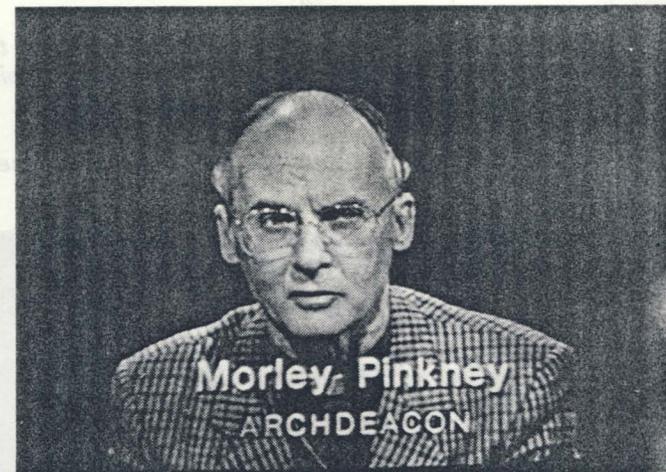
Janet Golding: "The local option is no option. We're absolutely going to be forced into opening because the retail sector will have to survive. In my opinion the border cities will go first.

"The municipalities have been --- in the city of St. Thomas in particular over the last three years --- have enforced and laid 19 charges against one of our auto dealers."



Joan Smith: "We were very concerned about the workers involved and will bring in new legislation to protect retail workers who work on Sunday. The employer will have to prove that he has made reasonable effort. The employee can say it is not reasonable. It is the right of the employee to say that he does not think the employer has made reasonable effort to allow him to stay off on Sunday. Until such time as the employer has proved that he has made reasonable effort, the employee doesn't need to work. So the power is with the employee.

"This isn't just the new employees who will come in because of new openings, but all Sunday retail employees. So it's a benefit not only to the new ones but to all the ones presently working on Sunday."



Morley Pinkney: "We're afraid that commercial pressures would be brought to bear within a municipality to be open because other municipalities are open, or because certain businesses within a given municipality are open, we're afraid that that would really break down society and force people to have to work.

"I think that the idea that Mr. Emery has of freedom is a precious one; we have to maximize freedom, but I think in maximizing it there have to be certain common laws in society that we're all bound by to lose a certain amount of freedom in order to maximize freedom. As soon as you open up on Sundays at all, and there's pressure for a full opening up, then people are under obligation to work."



LIVE CALL
LONDON



ROBERT METZ
PRESIDENT FREEDOM PARTY

Robert Metz: *"This is a disaster in terms of making a law even more confusing than it already was. The Peterson government has taught us a lesson of how to bring in Sunday shopping without changing a bad law in the first place."*

"We have to be aware that the true issues behind Sunday shopping are much more critical and important than the issue of whether or not any given number of people do or do not want to shop, open their stores, or work on Sunday. At the root of this whole problem we have the fundamental issue of private property rights."

"Do store owners or do they not own their own stores? These are the people who put their investment into it; these are the people who are responsible for the return on their stores. Do they own their stores on Sunday or don't they?"

There are issues like freedom of religion which the Supreme Court of Canada already said Sunday shopping laws violate our basic fundamental freedom of religion.

"Are we going to continue to perpetuate these violations?"



LIVE CALL
LONDON

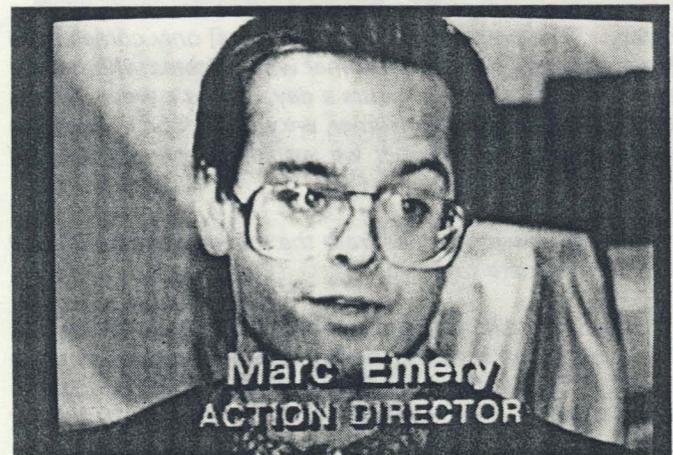


TOM GOSNELL
LONDON MAYOR

Tom Gosnell: *"If the surrounding municipalities in southern Ontario open for Sunday shopping, London would have to open to protect its commercial and retail base. We simply could not afford the jobs and tax loss and opportunities that would be driven out of our area if we refused to compete with surrounding townships."*

At Left: *FP President and leader Robert Metz vs. Mayor of London Tom Gosnell on the subject of the new municipal option for Sunday shopping [CFPL-TV London, FYI First Edition, Summer 1988]*

Below & Immediate Right: *"The Long Hard Climb": Emery and Metz on the subject of creating a new political choice in the marketplace: Freedom Party. [Behind the News, CFPL-TV London, November 3, 1988]*



Marc Emery
ACTION DIRECTOR

Marc Emery: *"We don't like to be beggars, like political parties are assumed to be. We like to be producers, a goods provider. Somebody who's going to give you some value for what it is we're asking you to give us."*

"Everything that has to survive has got to be treated like a business. Even in politics, you've got to provide your market, the public, with something they can use, something they want, something they will come back for."

"People are interested in whatever they can get out of the system with the least effort. And the government is more than happy to give them that, rather tragically. But a lot of people resist the responsibility of their own decisions. They'd rather say 'Oh if I screw up, somebody else gets to hold the bag. But if I do well, then I want to keep it all.'"

"People hate paying taxes, but they don't want to stop the government spending that they see themselves benefitting from. Yet they're identical. They're the same thing. You can't lower taxes without cutting government spending. Everybody wants lower taxes, but nobody wants to cut back at feeding at the trough --- the gravy train of government spending. These two are related. We can't live like this for long without something being destroyed. And likely it's our own future that's being destroyed --- all the choices going away, all the money going away."

"But it's a long haul. The public has been weaned like drug addicts on government spending, and government programs, and promises."



Below: FP leader Robert Metz is interviewed by Diane Vernile on Sunday shopping [Ontario Reports, CKCO-TV Kitchener [Channel 13], December 18, 1988]

Robert Metz: "Freedom in a political context means only that you're free from the coercive force of government to predetermine your choices. It doesn't mean you're free from your obligations to your landlord, or free from your obligations to your family, or to your job or to any of those things. Those are obligations that each of us in the course of our lives assume either directly or indirectly on a voluntary basis. That's the whole point of freedom. Freedom in itself, if it's properly defined, limits the action of an individual within a free society.

"In other words, I can't be free unless you are free, unless each individual is free. Otherwise freedom has no meaning."



Metz:

"The argument that one is forced to work on any particular day of the week is preposterous. What we're dealing with here is an obligation that a particular employee may happen to make to an employer. If he doesn't like the obligation, he has the freedom in this country to go to another employer. That is what freedom of choice is about.

"Believe me, there are a lot of people quite willing and able and ready to work on Sundays. What we're saying by our laws is that these people don't have the right to do that and that other people who don't want to work on Sundays should nevertheless have the right to hold that job up. And it certainly isn't a just or proper way of dealing with an issue."

"Laws of this nature really breed a disrespect for other types of laws. When a store owner knows that he can be treated the same as a criminal simply for peacefully operating his store on a Sunday, then there isn't a distinction anymore between being a criminal and being an honest businessman.

"It's time that these kinds of laws were dropped, that we start recognizing our rights, that we start looking at politicians to defend our rights instead of defending someone's particular interest, which is what we're really seeing at play here. Let everyone choose on their own and be responsible for their own choices.

"Municipalities should not be deciding this issue. The only way to go is to let the individual decide. We're the people who pay these politicians. They're not there to make our decisions for us. They're there to protect our right to make our decisions for ourselves. I think this is a distinction we've really lost in this country over the last ten or twenty years. In a free country, any individual, even a minority --- as long as he's peaceful about his actions --- should have the right to do whatever he wants.



The next two pages appeared in the December
1991 edition of "Freedom Flyer" (No. 19).

"Yes to Freedom of Choice in Sunday shopping!" says Metz

FP SUNDAY SHOPPING VIEWS CLASH WITH ALL-PARTY COMMITTEE

LONDON (August 27, 1991) - **Freedom Party leader Robert Metz**, in a public brief addressed to Ontario's **Standing Committee on Administration of Justice**, condemned the provisions of Ontario's **Bill 115** citing that "the bill is tragically flawed even by the terms of its own reference and is unsupportable in matters of principle, equity, fairness, and justice."

The bill, which contained amendments to the **Retail Business Holidays Act (RBHA)** and the **Employment Standards Act (ESA)**, was being justified by Ontario's socialist **NDP** government as offering "employee protection" --- specifically to retail employees who work on Sundays. However, after examining the content of the bill, Metz could not accept its premise.

EMPLOYER RIGHTS REMOVED

"No, *Bill 115* does not even represent a feeble attempt at justice," said Metz. "It has been so designed as to discriminate against and persecute a select class of retailers for blatant political gain. *Bill 115* refers to an employee's refusal to work on a Sunday as the 'right to refuse work.' It is no such thing. What it really does is take away the employers' right to refuse employment."

After thoroughly condemning provisions of *Bill 115*, Metz found himself challenged by representatives of all three of Ontario's major political parties. **Hans Daigeler, Liberal MPP for Nepean**, brought up the issue of "the freedom not to work", to which Metz responded: "Everyone has that

freedom. No one can force a person to work."

"According to the unions," responded Daigeler, "there already is undue pressure on retail workers to work on Sundays. How do you feel about that?"

"There is no pressure on them to work," replied Metz. "They can stay home and let other people work. What the unions' interest is in is maintaining a labour monopoly and excluding those who are willing to work from the labour force. When we look at the opinions that are behind a union, we have to understand the nature of a union. It is not in the interests of unions to see competition in labour."

MONOPOLY ON FREEDOM?

At this point, **Jean Poirier, Liberal MPP for Prescott and Russell** joined the debate: "Are you of the opinion that only those who support the **Freedom Party** respect freedoms and rights?"

"No," replied Metz, "I am of the opinion that only those who respect individual freedoms and rights respect them. Any number of groups --- lobby groups, political parties --- could easily stand for these principles. I do not claim a monopoly on them, nor did I invent them."

"I was wondering if you could tell us what you see happening (with freedom of choice (in Sunday shopping)," asked **Gary Carr, Progressive Conservative MPP for Oakville South**. "How would you see it working?"

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WHAT THEY SAID

☐ **Mayor Tom Gosnell, Deputy Mayor Jack Burghardt, city of London:** They want the province to take responsibility for the issue. Burghardt said the committee must consider the social and financial costs of having employees work on a day when bus service is reduced and municipally supported day care isn't available.

☐ **Ted Zientara, London, chairperson Tourism Ontario:** Supports Sunday shopping as a boon to Ontario tourism. "Sunday and holiday shopping has become an economic necessity for many thousands of Ontarians as they struggle to balance working realities with personal and family responsibilities."

☐ **Robert Metz, Freedom party of Ontario:** Supports freedom of choice on Sunday shopping issue. "From the outset, *Bill 115* (the Sunday shopping legislation) is tragically flawed . . . and is insupportable in matters of principle, equity, fairness and justice."

☐ **Ab Player, London, Retail, Wholesale and Department Store Union:** Opposes Sunday shopping. "Our members already are exposed to one of the longest and least stable work weeks. . . . Few consumers who shop on Sunday would opt to work on Sunday and pay the price that retail men and women do."

☐ *Above: reprinted from the London Free Press, August 28, 1991*

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"The entire beauty of freedom of choice is that all possibilities are possible," replied Metz. "Some retailers who find that staying open on Sunday is not profitable will choose not to remain open; those who find it profitable will open. There is no conflict here."

➤ CONSTITUTIONAL ISSUE

Derek Fletcher, NDP MPP for Guelph, clearly saw the Sunday shopping issue from a more fundamental viewpoint: "In 1986 the Supreme Court of Canada decided six to one that the Retail Business Holidays Act, even if in violation of some people's freedoms, is valid legislation by virtue of Section 1 of the Charter. Would you repeal that piece of legislation?"

"Absolutely," replied Metz. "The 'notwithstanding' clauses in the Charter are devastating to this country. You have to ask yourself, when the Supreme Court of Canada openly admits that it is justifying legislation that violates our individual rights, then what is it there for? Is it not the purpose of a court in a free society to protect our rights?"

Fletcher offered no response.

➤ WHO WANTS TO WORK?

Although committee member **Diane Cunningham, Progressive Conservative MPP for London North**, had a lot to say on the issue, her comments were very unfocused and contradictory. After repeatedly trying to assure Metz that she "agreed" with his position on Sunday shopping, she finally concluded: "From the bottom of my heart, the reason that I do not like Sunday shopping is that I have not met anybody who wants to work on Sundays in retail stores, with the exception of a few students going

Highlights from FP's Address to the Committee:

* "Although Bill 115 claims to be based on the 'principle that retail business holidays are common pause days,' it is clear that there is *no* 'principle' of a common pause day involved behind the legislation, since the law is applied arbitrarily and inconsistently."

* "Bill 115 gives absolute subjective power to politicians. While the provincial government is permitted to 'prescribe different tourism criteria for different classes of retail,' municipal governments may still force Sunday closings *even if the provincial tourism criteria are met*."

* "Sunday closing laws violate individual rights, including Sec.2a (freedom of conscience and religion) and Sec.2d (freedom of association) of Canada's *Charter of Rights and Freedoms*."

* "Sunday closing legislation violates fundamental principles of private property rights."

* "Bill 115 is a potential management nightmare since it grants employees the right to refuse an assignment to work on a Sunday --- *even if the employee has previously accepted that assignment!*"

* "What about the rights of those who are unemployed --- or underemployed --- as a result of Sunday closing laws?"

through school."

"Depending on how you word the question," challenged Metz, "you could get the same response to 'Do you want to work on Monday, Tuesday, Wednesday, Thursday, Friday or Saturday' given the choice of a law being there that would stop you from having to work on that day."

To which Cunningham begrudgingly replied: "Unfortunately, in our society I think there are a few who would answer that way right now; they do not want to work at all."

At a time when unemployment rates are higher than ever in Canada, the prospect of our governments expending so much time and energy to protect a "right" *not* to work seems counterproductive, to say the least. Of course, the real goal of legislation like **Bill 115** is to keep the power of choice in the hands of politicians, and away from the individuals whose livelihoods depend on having this choice.

<END>

➤ GET THE DETAILS!

Transcripts of Metz's address on Bill 115 are now available to FP members and supporters on request. Please call or write. See back cover for details.

YES!
to
FREEDOM OF CHOICE
in
SUNDAY SHOPPING!

presented to
The Standing Committee on Administration of Justice
on BILL 115

by Robert Metz
on behalf of
FREEDOM PARTY OF ONTARIO

August 27, 1991