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PROPOSALS FOR
MODIFICATIONS, IMPROVEMENTS,
NEW SECTIONS
TO
THE CONSTITUTIONAL AMENDMENT BILL

Please feel free to make more copies if you wish

Constitutional proposals

issued to:

Commission for Constitutional Reform

Party leaders

Federal government

Prime ministers of provinces

Members of parliament

Concerned Canadians

Press

Challenged by the call for public input, the following proposals are made by concerned Canadians - without any personal ambitions or political intentions, only out of deep concern for Canada and our future.

They reflect the opinion of responsible youths as well as the experience of war veterans who went through the whole mess of this century.

The submitted amendment is generally good.

But according to the present developments and historic experiences, we should add some things and state more detailed provisions in the constitution.

Unfortunately we need more provisions: Increase in population demands more regulations, especially when it is accompanied at the same time with diminishing mutual respect, congested in areas of agglomeration, threatened by influences from abroad.

Clearly the proposals come from a viewpoint of the middle. Thus they meet the desires of most Canadians - being a real middle class people where even a small handiman can be part of, being able to acquire property, car, education, everything.

And indeed: The truth lays in the middle.

Some of the proposals may exceed the frame of a constitution - but are necessary for explanation. They may later serve well as base for detailed laws.

Our new constitution has to cover both directions:

Improvement of freedom
(where groups of interest gradually procured themselves
separate advantages by restricting regulations towards others)

and

Protection of freedom
against the misuse of it .

Additionally, some very important basic rights or precautions should be created, mentioned and specified:

Completely new is the proposal for qualified suffrage. It is a unique, historic chance to correct now the thoughtless faults of our ancestors. - It applies as well to the provincial elections - to every election.

Another great chance would be the replacement of the present punishment system by a redress system.

Also, a constitution cannot ignore the problems and providence for defense.

Another substantial change are the proposals for freedom of education.

If you like some ideas where extremes of your opponents are curtailed, then please agree generously also to those proposals where extremes of your party are curtailed.

Let us make the best constitution of the history.

Distributed by
concerned Canadians
Vancouver B.C.

Proposals for
modifications, improvements,
new sections
to
The Constitutional Amendment Bill

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THE CONSTITUTION
OF CANADA

Preamble

The people of Canada -
of different origin and
abilities - unanimous in
the desire for personal
freedom - which is determined
to be the right

to do whatever one wants to -
as long as someone else is
not hurt, bothered or
damaged -

give themselves this constit-
ution::

Explanatory Notes

This determination of Freedom
is the Basic Law of a free
nation.

All laws have to be straight-
ened on this basic law of
freedom.

The second part of this determ-
ination is the more important
one for a peaceful social life
of mutual respect and regard:

It respects the freedom of other
and protects your own freedom.

Freedom without the restriction
of the second part is arbitrari-
ness and leads to misuse of free-
dom, to regardlessness and
destruction.

Some additional viewpoints to
"Freedom" :-

The notion of Freedom became shallow in cause of time. So it should be re-evaluated.

The basic law of Freedom excludes all laws which restrict the individual freedom (within reasonable limits) or which even are against freedom.

This basic law of freedom on the other hand accentuates the laws which protect the individual freedom:

E.g. Quiet enjoyment of property and life,
peace etc.

It means also laws against violation of these liberal rights,
e.g. Disturbing of peace (to be made much stronger)
Trespassing " " " " "
Anti-Noise-Laws
Anti-Pollution-Laws.

This basic law of Freedom also excludes all privileges and exemptions obtained by various organizations through the course of time.

In fact, we have so many of such 'privilege laws' (which violate the freedom of others) that establishment of constitution really means:

Restoration of Freedom,
yes, even Reform of Rights or Justice.

to section 6, page 5, 5:

PROPERTY RIGHTS

to add:

(1) - The right to own property is processed to a

real property right:

The owner of land shall own every part of that land - everything below the ground as well as everything above the ground.

On the other hand, property obliges:

It may not be used against the rights of others - not destroying against ecology, not hurting the aesthetics etc.

--

Note: Why had there a change in the wording of the Bill of Rights "quiet enjoyment of property and life"

to only

"...the use and enjoyment of property..."

(5, 3-6)

This wording includes the reckless, noisy, disturbing use of property - which violates the right of others to quiet enjoyment of their property.

The term "quiet" is extremely important - right in our present days and developments.

Proposal: Keep the present wording of the Bill of Rights.

Explanatory Notes

(1) Real Property Right:

Until now, ownership of land means only the surface.

Even this is restricted by the possibilities of the "rights of way" by power companies, highway department, mining companies.

This results often in gross injustices which practically ruin the enjoyment of property and life.

Therefore will have to be established a real property right which protects the owner and, secures his rights.

(2) Outside of municipalities, the free use of land property often leads to reckless arbitrariness - e.g. to establish a factory, a drive-in, a pub, a motel beside private homes, ruining their peace and safety.

Or, factories are constructed which pollute the waters, poison the air etc.

Or, structures are erected which are eyesores for the neighbours or the passerby, visitors, tourists.

Expose:

Establishment of Real Property Rights

As the proposal - although pretty obvious - is very new, an additional explanation may be advised:

A real ownership on land has to be total. - That means: the property owner owns everything there, wood, waters, also into the ground, thus all minerals, building materials, gas - whatsoever.

The concerning acts have to be amended accordingly.

Nobody can establish any "right of way" onto an otherwise owned land without the voluntary consent of the owner.

Nobody can dig underneath a land owners property.

Moreover the property right has to be extended onto the environment:

As a property can be spoiled from far out of the property, e.g. by stink, noise, eyesores, pollution - the owner has the right to interfere against all such nuisances: As far as his property, respectively quiet enjoyment of it, is affected, the operation of the disturbing source has to be stopped on his demand.

The present mineral rights violate the basic law of freedom:

The freedom of a land owner to live in secure unmolested quietude.

Nobody should have the right to establish a mine or mining road within the neighbourhood of established home-properties.

As roughly 95 % of Canada's land is uninhabited crownland, there isn't any need to affect residences.

The property right has to be extended also onto the air: No flying over inhabited properties below 3,000 metres above ground level.

No flying over at all: Above residential areas, regeneration areas, nature protection areas - except long-range airliners in very high altitudes.

to add to 6. :

- freedom of education;

There should be basic provisions for all of Canada - as material and problems are everywhere the same.

Education principles are not at all bound to local regions.

Therefore section 93 should be repealed.

"Freedom" of Education:

because education should not be compulsory.

Everybody should have the freedom to participate in education or not.

"Freedom" also because every political, ideological, religious exertion of influence and activity has to be excluded from public schools and school ground

Additional.
exposé

EDUCATION

As Freedom of Education is a completely new proposal for the act, some further explanations may be added:

* Freedom of Education - Education not compulsory:

Education is a privilege - a gift.

By compulsion, education is devaluated:

As a must, it is not appreciated by many.

The volume and quality of teaching is diminished through considerations taken for the unwilling or untalented pupils, absorbing the time and potential of teachers and, hindering the progress of the willing students.

* School fees:

On the other hand, attendance at school should not be financially "free":

As is known, there is no appreciation for what is gratis.

If education has to be paid, it would be more appreciated already for this reason. - This would also help to develop the sense for self-responsibility.

Rather than having the attendance "free", there should be a system of assistance for the talented without sufficient means.

And by the way: School also now is not "free" at all: It is paid by the property owners.

At least this fact should be made known to the free beneficiaries always and again - in appreciation of the donation by property owners.

At present, the education lacks in these points:

School Boards:

Often furnished with incompetent people. Members of school boards for highschoools should be only qualified persons.

Equality:

The students are considered too much to be "equal".

That means: The proceeding and volume of the lessons is established according to the weakest.

Thus the talented one is hindered to proceed according to his or her abilities or to receive a greater volume of knowledge.

The talented one should have the right to

proceed faster
or to receive more Knowledge.

Solution:

To establish a system in which every student works at his or her own speed and, should not have to wait until the slowest one got it too and, thus is able to progress according to his or her abilities

Burdened with unnecessary impediments:

Why should a student, e.g. of architecture - before the study of architecture - achieve a bachelor degree in a different faculty before being admitted to the study of architecture? - - -

Isn't it unbearable that one has to spend $12 + 3 + 4 = 19$ years in school? - This is about a third or a quarter of the whole life!

Overloaded with unnecessary stuff:

E.g.- why has a student of architecture to spend months studying ancient ship building...

On the other hand: In highschool too little fundamental knowledge and training e.g. with history, culture, arts, geography, biology, languages. E.g. a teacher had never heard about the European Hyperinflation in 1922 with billion-notes; highschool graduates lack an adequate level even of english to comply with the requirements of University - not to mention foreign languages, etc.etc.

The mother tongue fully developed for university - this should be a minimum achievement of 12 years of school.

Furthermore: The maturity for university has to be procured and achieved in each subject during these 12 years. - Then no additional preparation for university would be necessary.

In short:

- A) Full maturity for university to be procured by highschool.
- B) Professional education with universal training at university, concentrated to the intrinsic, essential subject.

Expose:

FREEDOM OF VOCATIONAL PRACTICE

At present, this freedom is restricted in so many cases and in such a way that one cannot speak of freedom anymore.

Nobody may be forced to join a corporate organization - neither by imposing social or economic disadvantages or restrictions to non-members, nor by law.

No organization can claim that the carrying out of a profession would depend on its membership.

Also educational institutes cannot claim that the practice of a profession would depend on their degrees. Educational institutes are only one of several ways to obtain the knowledge.

And, no one may be restricted just to the activities of his or her declared profession. If he feels to be able to extend them to other branches, it is only his own risk.

Even in the cases where public safety requires the proof before a professional committee, the educational route or training time doesn't matter. Such examinations may not be overloaded with unnecessary or pettifogging stuff.

to 7 :

RIGHT TO SELFDEFENSE

- the right to defend oneself against any attack to life, health, property, peace, privacy, quiet enjoyment of property and life - from land, water and air.

Explanatory Notes

The right to selfdefense is a natural fundamental right, well worth to be established in the constitution.

More and more the right to selfdefense is watered down. It is a shame, yes, absurd, if a person who defended his or her property, health or life, has to answer for it in court and, not too seldom is convicted or has to pay 'compensation' to the intruder or his kin.

On the contrary, the right to selfdefense has to be extended also against disturbers of peace, quietude, privacy.

An intruder with the obvious intention to threaten the well-being of an individual is totally responsible and liable himself for the consequences he may suffer.

Besides that, he is liable for all damages he caused.

New section:

Right to bring in a bill

Everybody has a right to bring in a bill by direct, written presentation to the parliament.

Three independ, objective review boards check if it is serious.

If it proves valid, the bill has to be treated as if it would come from a minister without other procedures.

Explanatory Notes

This is an important fundamental right.

While members of parliament and ministers sometimes get out of reality or become a bit lopsided, sometimes an outsider discovers draw-backs or necessities, has an effective idea or solution to a problem.

Practice shows that such proposals often are caught up in the red tape of official channels and disappear.

Of course the same could happen from a review board; therefore 3 instances.

On the other hand, a small citizen often cannot come to Ottawa, stand in office or distribute copies to all MPs.

Between 8. and 9.:

Private Rights
go before public rights.

Explanatory Notes

As a "Public" doesn't exist -
but only individuals - all too
often 'individuals in office'
or groups of special interests
identify themselves with 'public'
thus reaching their very own
purposes.

The word: "The individual is
nothing - the public is every-
thing"
or the mentality "the individual
is only a particle of a commun-
ity-body"
come from wellknown dictators.

If the individual has secured
rights - all have secured rights.

New section:

Privacy of correspondence

The residents of Canada have a right to Privacy of Correspondence and inviolability of mails.

There is no censorship.

Only if there are reasons for suspicion of a crime, by order of the attorney general the mail of suspicious persons may be checked.

Explanatory Notes

Suspicious persons are:

Wanted criminals and their circle.

Ex-convicts during the following 2 years after finishing their time.

Permanently: Criminals who did commit a third crime.

Expose:

to EARLY RETIREMENT

The right to early retirement has some remarkable advantages for the economy:

1) Unemployment:

Despite inflation, there is a permanent unemployment - substantially over the normal percentage caused by common fluctuation.

The fundamental reason for that is the supersufficient overproduction through the use of machines.

E.g. a building - let's say a highrise - is now completed in 1 or 2 years. Formerly a building that size would have kept busy people for decades, even for generations. - Now, after 1 or 2 years the workers are available again.

But, we cannot endlessly build highrises - we cannot plaster the whole world with buildings. We cannot produce beyond the demand.

The same happens with nearly everything - with cars, appliances, furnitures etc.etc.

Well, they are made to deteriorate earlier, they become unfashionable but also these tricks have a limit.

And the other remedy: to heat up the population bomb, is impermissible definitely in an already starving world.

(Well, in America, we still have a potential for ourselves - but on account of food reserves and nature. - Is it desirable to live in a cage of supply production without free living space? ---)

2) The other advantage of early retirement:

The younger generations have more and earlier possibilities of advancement.

- -

Early retirement - with the consequence of pension - should not be compulsory. If a person wants to stay in the economy, one may be quite at liberty to do so.

Implementation:

An amount equal to 10 % of the income, but additionally to the income, will be continually credited and accumulated in the nations's pension fund.

Bearing interests at the rate of about 10 %, the pension credits have reached about 70 % of the total income of the 20 working years.

The fund is covered and secured by the nation's resources and, invested in industry and business as pensioners shares.

to 6, page 5, after 6:

the right to
taxfree livelihood

Explanatory Note

It is a fundamental moral code not to be taxed for the daily bread - standing for all basic necessities of living.

That means: the taxfree income has to be kept always in the range of the average living costs: expressively all the living costs: also clothing, car, telephone, medical care, rent or mortgage payment in reasonable limits.

The same should apply to property taxes for a one-family-home. Also 3 acres of land which could support a family for their own food.

Canada by its resources and land reserves is such a rich nation that all the taxes can be covered by royalties and corporate taxes.

As the tax-free limit is called in question from time to time and doesn't include really everything of the livelihood, it should now be stated in the constitution.

to 6, page 5, after 6:

- the right to be taxed only once

Explanatory Notes

Once a money is taxed, it may not be taxed again.

The tax regulations should be adjusted accordingly.

Just 2 examples:

Inheritance tax

Gift tax.

These are private transfers. The income which created these values, certainly was taxed sometime. There isn't any reason why it should be taxed again at the private, non-commercial transfer.

Such taxes often have far-reaching results which are not in the interest of the nation: They often lead to deterioration of family estate and, so act against persistent residency.

As this right is not always guaranteed, it should be stated in the constitution.

New section:

-the right to healthy food;
no harmful foods in Canada.

Explanatory Notes

Numerous foods, especially 'processed' ones are made up with additives or preservatives which are poisonous or cancerous.

The government has to enact laws which prevent the addition of such remedies to food or beverages.

A health authority has to be established to supervise the purity of foods.

One has to promote a direct trade of food between the producer and the endconsumer.

to 6:

- the right of the individual to clean air, clear water, pure soil, quietude, nature, and the right not to be deprived thereof.

Explanatory Notes

The living space is the highest good for life.

It is a fundamental right of the individual to live with clear water, in clean air, quietude, nature and, to have healthy food out of unspoiled soil.

These fundamental goods may not be spoiled.

In fact, contamination of waters, air, soil is a felony.

If we have established these rights in the act, then manufacturers are forced to finally build in devices to prevent pollution and noise.

The inconsidered irresponsible general spraying of pesticides etc. is excluded.

Either we formulate it as a section of its own or by adding to 6.

To
to section 8 to add:
(right to move...)

Exemption:

Municipalities or districts have the right to restrict this right by temporary regulations in the following cases:

If a mass rush leads to distressed areas, endangers health, basis and quality of life - causes special heavy burden, crime and disturbance of peace.

Explanatory Notes

Rapidly increasing population or rushes into some areas may create serious problems:

Sewage and garbage cannot be absorbed, foods not supplied sufficiently, medical care, abode, shelter are not available (rent controls certainly are not a solution) - thus epidemics could arise, crime arises, riots are coming up...

To protect health, peace and safety of the established population as well as of newcomers, there isn't any help then but to stop the influx until the necessary prerequisites are provided.

New section

CROWNLAND

The crownland is not property of the government - but property of the people.

The government has only the duty to administer it, to prevent hazards, pollution and misuse.

Every Canadian, when of age, gets a grant of one acre of crownland in the area of his choice as his or her property without payment.

Explanatory Notes

This would be effective against radicalism and would work against skyrocketing of landprices.

New section

- freedom to strike

The freedom to strike has its limit where the common weal gets damaged or, the state security is endangered.

Explanatory Notes

While the misuse of economical power by monopoly enterprises is excluded, also the misuse of union power has to be restricted.

The limit is according to the basic law of freedom: when others are damaged.

New section

No government enterprises.

The government may not carry out commercial enterprises.

Enterprises necessary in regard to public interests have to be carried out in form of a people's stock company.

Explanatory Notes

Experience around the world shows that government enterprises generally cannot be carried out profitably.

The main reason for this is that in a government business nobody is personally responsible or interested - nor liable with his own means. But prerequisite for a profitable conduct of business is the personal interest of personally liable leaders.

In addition, government officials are administrators but generally not businessmen. This is all right.

But to run a business successfully, real businessmen are needed.

Furthermore: A government enterprise is also not owned by the people - it is owned only by the government. There unfortunately is quite a difference.

The only way that people can own an enterprise is through shares which form a real part of the firm.

New section

SMALL BUSINESS

The independent small business has to be promoted and protected against overtaxation and absorption.

Explanatory Notes

The small business represents at present about 70 % of the economy.

But there is a growing trend that it is absorbed from a few big or international companies.

It is not desirable that the economy is in the control of only a few monopolies: Then competition would be lacking and, thus prices could be dictated. This leads among other things to dependency, discontent and radicalism.

Overtaxation: If an inconsidered taxation system takes away too much from the revenue of a small businessman, he has to finance the turnover by bank loans.

But a small businessman cannot afford high capital costs. Many of the small business bankruptcies are originated because of this reason.

To worsen the situation: Since by an inconsidered taxation, all small businesses are hit at once, very often there is - in case of a forced sale - no other small businessman who can buy the collapsing firm. Chances are then that big business buys up the small one - thus diminishing once again another competitor within the market place.

One should leave enough money to the small businessman that he can finance the business by own means.

Small business is the bulwark against economical dictatorship or radicalism.

New section:

RESOURCES

Only Canadians have the right to Canadian resources.

No exploitation by outsiders.

Explanatory Notes

The resources are the property of the Canadians.

As - beside nature and its beauty - the resources are the main source of income for Canadians, every power who has them in control, can manipulate the Canadians at will and influence them ideologically and politically, can determine their daily life, their life-standard, their well-being, their currency - can also ruin them.

Therefore the resources may not be bartered away nor given into the control of foreigners.

Comment: There is nothing for what we need the development or finances of foreigners. Even the biggest project can be managed and financed by Canadians - possibly in form of companies with small shares hold by millions of Canadians.

Expose

Employment

Another thing is that we barter away our raw materials which others then work with and, we import their manufactured products.

This is another source of unemployment.

Digging raw materials doesn't employ in the same relation as manufacturing.

So, first of all we should manufacture ourselves at least the goods we really need.

We certainly would have the entrepreneurs and the knowledges.

All we have to do is to give tax abatements and starting assistance - e.g. crownland grants for premises, free-of-charge until the enterprise flourishes; loans free of interest for the running-in-period; protection by patent, free-of-charge until success; export supports etc.

New section:

- right to be protected from
subversive dangers

Explanatory Notes

This applies first of all to
drugs.

Drugs are not only a matter of
privacy: In an extension which
this crime has reached, there is
much more involved:

Youth: Education, health

Economy: Working power,
economical potential,
common weal, taxes,
old age pension;

Society

Finances

Moral

Defense readiness.

Expose:

DRUGS

Although mentioning wellknown facts, they should be thought over in this connection:

Youth: is especially endangered:

The capability of comprehending is drastically reduced.

The health is severely cut.

The moral is completely destroyed.

Discipline and attitude are ruined.

Mentality, character seriously weakened.

Readiness for crime is extended unlimited.

Indifference, apathy, furious violence become predominant.

Economy: What do you expect of people grown up that way?

They are unable for everything, unstable and ready for every crime.

Thus - if drug use is furtheron spread - the working power of the nation is reduced, consequently the whole economical potential, resulting in destruction of the common weal. And then, who will provide the old age pension? The hospitals? The schools? The defense etc.?

Society: The society is endangered by unpredictable addicts. Not only from their crimes to get money - but from every violence possible. No decent family is safe from their child being seduced and alienated.

Finances: The society, the taxpayer pays for the results of the addicts: The society who pays for welfare, medical care, institutions for breaking the habits, recovery, treatments, crime prevention, insurances etc.

The society has to give attention, time and money to them which could be spent in a better way.

Indeed, the damage for the society, for everybody is giant.

Moral: The moral - in a good sense of the word - is devastated far beyond the addicts themselves: The products of destroyed, insane brains penetrate culture and spiritual life, degenerate and deteriorate arts and, spoil already all too often the daily life.

Defense readiness: One of the most serious results of drugs are in regard of the defense readiness. What do you expect of drug-addicted soldiers? In fact: drugs are a very effective weapon. They have already been very successful in history. Indeed a drug-infected country can be taken nearly without a shot. Drugs are part of warfare.

So, drugs are not only part of the criminal code. Provisions have to be included also in laws for Education, Economy, Taxation, Health. Military Service.

New section:

Currency

The Canadian Currency has to be kept stable.

Causing inflation is declared unlawful.

The government is not allowed to print banknotes beyond the sound requirement.

The budget has to be covered only by regular taxincome.

In case of expansion of wages and prices by the free economy, the government has to act against the inflationary trend by all means.

The savings accounts of the Canadians have to be adjusted in the extent of an occurring loss of purchasing power by according grants of the government.

Explanatory Notes

The Canadian currency may not be devaluated. It always has to keep its buying power.

Inflation is not less than plain robbery. - Everybody who originates inflation, has to be charged accordingly.

According regulations have to be introduced into the criminal code.

Sound growth is only possible by increasing volume and quality of production and services. If not more money is brought into circulation than the increase of the production, the prices remain stable - while the supply justifies an according cautious increase of wages and pensions - thus even increasing the buying power instead of decreasing.

If an expansion of wages and prices appears, the government has to act against the inflationary trend by all measures, i.e.

- * freezing of government orders,
- * siphoning off excess purchasing power by
 - * temporary exceptional taxation of the boiling-over branches of trade,
 - * raising interest rates,
 - * stopping influx of foreign money. The rarest thing in the world now are raw materials. Canada doesn't need to sell its raw materials dirt-cheap for the price of imported inflation. - The less it sells now, the more - at real value - it becomes later.

If an expansion of prices occurred out of suitable control, the government has to adjust the savings accounts of the Canadians by according grants. These grant

have to be taken out of the
tax pot - not by printing notes.

The volume is determined by the
percentage of the inflation rate.

This would additionally work
against inflation because it
would reduce other government
spending and, it would be addi-
tionally fair because those who
created the loss of buying power
are lately the ones who pay the
compensation by their taxes.

New section:

BALANCED BUDGET

The finances of the state have to be balanced.

The government may not make debts.

The government is not allowed to borrow money.

All state expenses have to be paid by honest tax money.

The government may not cover a budget by printing notes.

Explanatory Notes

No businessman can spend more money than he can provide.

Every infringement of this rule of a sound business policy leads to bankruptcy.

The same applies to the government.

The government also may not prepare a budget with deficit and cover this by printing notes. - This leads to inflation which in the end also leads to bankruptcy and impoverishment of the people.

to add
to 10:

(1) Qualification for Suffrage

The general suffrage is extended to the accumulation of points to the basic vote by qualification.

(2) Extention of the poll to party lists

Explanatory Notes

- (1) As voting is an act of intelligence and of high responsibility, there should be a qualification of the vote:

A person who has understanding and capability above average or, who carries extended responsibility, can accumulate points to his or her one basic vote by qualification:

Qualification points are credited for

intelligence
maturity
capability
responsibility.

The qualification is determined by appropriate tests. Each point means one additional vote for the qualified person.

The tests are voluntary.

(2) With the present multi-party system, where only the candidate who gained the most votes in the district is elected and represents the constituency, all the other votes of the same constituency are lost, even if they represent $\frac{3}{5}$ of the voters.

This is unjust and unrealistic.

No vote may be lost.

Every voter has the right to be represented according to his or her vote.

There is a simple solution:

All surplus votes which didn't directly elect a candidate are counted for the party on the federal, provincial etc. level. The party had nominated top candidates who are then elected according to the number of such surplus votes gained by the party (E.g. each 100,000 surplus votes = 1 additional candidate, for federal level.)

Expose

to 10, elections

(1) Qualification for Suffrage

Notwithstanding the general suffrage, the suffrage has to be qualified:

As daily practice, life experience and history show, there are vast differences between individuals.

In this relation only to mention the degrees of intelligence, insight, foresight, understanding, capability, responsibility.

Therefore it is totally unjust that the vote of an able, successful person of high intelligence, ability and responsibility carries only the same weight as that of a less intelligent or less skilled person or, that every ignoramus has the same volume of vote as a concerned citizen. - Why should a skilled, diligent, responsible, intelligent laborer not have a stronger say = vote than a lazy or clumsy or apathetic ignorant dullard.

In fact, this unjustified equal treatment of votes led and leads to election returns which are not equal to the intellectual and political potential of the nation.

Yes, it even causes catastrophes: All demagogic dictators profited and succeeded by mass psychology.

As is well known, masses of low intelligence levels don't form an objective opinion through intelligent reasoning. They are influenced rather by superficial motives, appeals to low instincts, by primitive tricks, shows, by sex appeal, by pleasing; how a candidate looks and smiles is more important than what he or she says, knows or really stands for.

It is sad to state this - but this truth has to be outspoken one time. And now, with the amendment of the constitution it is a once in a lifetime chance to finally introduce such a righteous suffrage which complies with reality.

- -

The qualification for suffrage is easy to carry out:

Tests: To be carried out before government agents by forms like for drivers license which are always changed.

The voter gets a certificate showing the acquired points.

Ballots:

Either: There are ballots with numbers from 1 to e.g. 32. The qualified voter receives the paper with the number of his (her) points.

Or: The voter receives as many ballots as his (her) certificate proves acquired points.

It will be the task of a special committee to gain the detailed scale of qualification points and remedies of testing.

Just some ideas:

Tests (mode as for drivers license)	points:
for intelligence: Test, respectively examination similar to the existing I.Q.tests	1 - 10
for maturity: Test for character (psychology)	1 - 6

for capability: Proof of talents	1 - 10
by evident works	
for responsibility: Activity: Profession	1
selfemployed	1
in community	1
or associations	1
Business: responsible position	1
specialist	1
Ownership: property	1

Every Canadian citizen has one basic vote.

The acquisition of additional votes is voluntary.

Such a system of points would give a real result - showing the full potential of the people:

A nation doesn't consist only of equal two-legged numbers - rather it is a product of skills, intelligence, diligence, responsibility.

In this sense, Canada would be the most advanced nation among all the democracies.

- -

(2) Party lists

A drastic example for the deplorable state of affairs with the present system is the previous federal election:

The western provinces have no members of the governmental party in the parliament.

With the proposed party list system they would have representatives in the government too.

New section:

MILITARY SERVICE

(1) As a base of its readiness to defense, Canada maintains professional forces.

There is no conscription.

However, in case of

imminent danger

every Canadian resident has to contribute to the defense of the nation.

In this case, the government of Canada is entitled to proclaim conscription for the period of the threat. It needs the consent of 2/3 of the parliament.

If the parliament is hindered to meet or to act quickly, the government may call to arms the Canadians on its own authority.

The government, however, has to render account to the parliament at earliest convenience.

The parliament may countermand the conscription.

All members of the armed forces are to be sworn in to this constitution.

A drafted person has to be assigned to that branch of the service in which he or she can use his or her skills or experiences - in order to get quickly a fully effective force.

The emphasis of training has to be on practical activities and instruction, not on drilling and parading.

Every drafted person is entitled to compensation of his or her professional wages, care for family, protection of his or her property.

Every veteran has a title to social care, compensation for loss of wages (in case of students, if not compensated by army pay), free study, crediting of the time spent with the colours to seniority time.

Explanatory Notes

Just because Canadians love and have freedom and peace, they should have the will to defend these goods.

Doubtless no Canadian government ever plans an aggressive war. But Canada may well be the object of an aggression.

Doubtless the professional forces cannot repulse an aggression alone. In such a case every hand would be needed - together with strong allies.

The professional forces are the core for an instrument of defense.

As with military service and conscription also temporary restrictions of fundamental rights may be involved, it should be mentioned and specified in the constitution.

New section:

MILITIA

(2) Considering the general political situation of the world and considering the threat to the free nations by expanding militant powers, the Canadians should have the possibility to train for defense.

For this purpose a voluntary militia is established under guidance and sponsorship of the professional forces.

Each Canadian resident has the right to voluntary training according to his or her potential of time and capability.

The trainee is entitled to suitable clothing, messing, care, billet, support, reimbursement of travelling expenses or free transport; in case of courses of several days duration fair remuneration.

The militia training is credited as military service.

The militia person is awarded military ranks according to his or her accomplishments.

In case of conscription, the members of militia report for active duty according to rank.

Explanatory Notes

Concerned Canadians would appreciate to be somewhat fit for defense, although not standing for conscription in time of peace.

A voluntary militia would give the possibility of professional training.

As the right of defense is a fundamental one, it should be mentioned in the constitution.

With a people like most Canadians with their deep love of peace and freedom, such an institution will never turn to the bad.

Moreover it would work against depravity of the youth and, contribute to appreciation of our wonderful land and create a sound patriotism and feeling of unity.

New section

INFORMATION

To strengthen the moral of Canadians and to protect them against undermining, a Department of Information at the federal government has to be established.

It is its duty to inform the Canadians permanently about their basic rights, duties and freedom as stated in this constitution.

It has also permanently to inform in absolutely objective manner about historical facts and their consequences.

Furtheron it has to objectively keep the Canadians up to date about events and trends in the world - independent from commercials or pressure groups. It may not be used for partial, biased purposes of the governmental party.

Explanatory Notes

The Canadians take freedom, peace and well-being much for granted.

This results often in carelessness towards political menaces, undermining, subversion - hamstringing the will to defense and military preparedness.

Freedom not seldom is misunderstood as indifference, recklessness, depravity, obstinacy, lack of discipline, behaviour and responsibility - not being aware that these attitudes are misuse of the freedom as well as arbitrariness.

To take effect against the destructing influences, permanent information is necessary. This information in truly objective ways cannot be expected fully from the private, commercially orientated media.

The general media may well be used for spreading the information; if necessary, completed by an independent broadcasting - perhaps operated by the armed forces (see AFN / American Forces Network).

It may be well managed in a balanced way with neutral good music.

(CBC is something in this direction - if it would be more concentrated on the essential matter and, on the other hand with more general good music entertainment.

New section:

TRANSPORTATION

The general managing of transportation applies to the federal government, as far as rules and objects are concerned.

As the airtraffic became one of the main transport facilities, the airlines and the protection of residents and passengers have to be improved:

No airports may be established in the vicinity of existing residences.

No airlanding strip on land or water may be established without fully serviced air-traffic safety controls.

The wild flying around with small aircrafts has to be stopped. Also for small aircrafts, directed airlines have to be established which may not be directed over or along residential areas, regeneration areas, highlights of landscape and nature.

Lakes which are not touched by an international border, are part of the Province and, pertain its jurisdiction and administration.

Inland waters are not 'international waterways'. They are also not airlines or airstrips.

Explanatory Notes

This is self-evident: There are only one kind of traffic signs and traffic rules - which are also objects of international agreements.

As air-traffic with small crafts turned out to be a nuisance and a hazard for flying safety and residents, such regulations may be basically established. The more, as there are fundamental rights involved such as enjoyment of property and life, privacy, safety.

Lakes: It is impossible if the safety, comfort of lakes depend on the managing from Ottawa: Not only that it is impossible to have an exact knowledge about all the lakes of Canada, a central office is simply overworked. It is an impossibility if e.g. boats ramps for all of Canada are managed, maintained, planned or condemned from Ottawa. This is not even possible in a satisfying way from the capitals of the provinces and, should be transferred by them to the Regional Districts.

As lakes increasingly are important places for regeneration and retirement, they should get a special protection from spoiling traffic.

New section:

Canada has a criminal code of redress.

The system of punishment has to be changed into a system of redress.

Explanatory Notes

The millenium old criminal law system of punishment lacks of regulations for redress.

The victims of crimes often are not indemnified.

Or insurance companies or the taxpayers are the ones who pay for the consequences.

But the one who causes the damage, the malefactor is the one who has to pay in full for all the consequences.

The fundamental principle is: The malefactor has to repay by working.

The redress comprises:

- (1) Basic labor for breach of trust
- (2) Basic labor for costs of prevention
- (3) Basic labor for unexplained crimes
- (4) Basic labor for insurance costs
- (5) Labor for redress of the caused damage

For details see the enclosed expose.

The criminal code of redress

The system of redress is convincing in each regard:

It is fully clear that malefactors have to redress every damage including the time which victims and executives have to spend being busy with them.

It is absolutely wrong that these costs are paid only by the society - that these costs are not redressed by malefactors or, that the victim has to try an extra civil suit to make the malefactor paying. - Why should they spend additional time and money and stress? - This has to be regulated automatically.

The redress has to be made in first place from the capital of the malefactors. As there are often none, they have to repay with their labor.

Whats more the malefactor has to work in each case-to prevent preferment of a wealthy criminal.

Certainly the victims have not to be paid by the malefactor directly: The victim should have nothing to do with the criminal anymore.

The victim gets paid off by the government fund - if possible immediately in full - while the government holds on the malefactor.

Probably not all damages caused by criminals can be refunded by them. But to any extent possible, they should.

The system of redress also facilitates the duty of the judges in regard of rating the penalties:

The criminals themselves determine the extent of their penalty time: They simply serve their term until every damage is paid by their work.

This method also assures that the malefactor performs good and effective: In case of slow work or blundering they only lengthen their own penalty time. On the other hand, the diligent and skillful ones reward themselves by abbreviation.

The system of redress doesn't exclude the benefit of probation or precocious dismissal. In this case they have to pay off the redress out of their income. In case they stop, they are immediately returned to forced labor.

The system of redress is also educational because it will create a sense for responsibility: It shows to the malefactors in figures the damage they have caused.

It also could be more deterrent than flat penalties because the time for redress continues in each case until the damage is fully paid off.

In case they escape, the time of their absence is added to the redressing time - at least the time for recovering the costs of reseizure and lost interests.

The kind of work: Either using their professional skills or, work which is usually not done by the average citizen. As they do every common work, no kind of work gets discriminated because it would be carried out also by criminals.

The redress includes additionally to the compensation for the direct damage also contributions to all other factors involved.

So it comprises:

(1) Basic labor for breach of trust:

Every crime involves a basic breach of trust; of trust that one can live in safety and peace.

This is a damage to the society which has to be redressed generally.

Charge: Additional 5 % of the redress total.

Into redress fund for general purposes.

(2) Basic labor for costs of prevention:

Caused by crimes are prevention measures:

Devices for locking: Door locks - doors for safes - safes - gates - fences;

Alarm systems;

Control systems and -organizations; night-watchmen;

Police and custody, prison guards, penitentiaries etc.

Without crime, all the above would not be necessary. So, those who make it necessary have to pay for it.

Charge: Additional 50 % of the redress total.

For grants for devices for locking, Alarm- and control-systems, police and custody.

Every home owner, landlord receives a percentage out of this 'Prevention Refund' for doorlocks, gates, fences, alarm systems etc.

Every bank, office etc. receives a percentage for safes or doors for valuables etc.

Everybody who uses it receives a percentage for built in alarm systems, established control systems and -organizations, night-watchmen etc.

Contributions are also made out of this fund to the budget for police and penitentiaries.

(3) Basic labor for unexplained crimes:

The costs for research and discovery of crimes have to be paid from those who basically cause it, the criminals.

Like with insurances where all pay for occuring accidents, the criminals have to pay for eachother.

The victims of criminals who are not caught get indemnified out of a governmental fund. The captured criminals have to contribute to this fund.

Charge: Additional 10 % of the redress total.

(4) Basic labor for insurance costs:

Without crimes, nobody would have to pay for insurances against theft, breaking in, robbery, arson, vandalism etc.

Those who cause it, have to contribute to these costs.

Either the insurance companies receive a percentage, proportionally lowering their premiums or, the insured persons receive a proportional refund.

Charge: Additional 20 % of the redress total.

(5) Labor for redress of the caused damage:

The damage caused to the victim has to be found and stated in the usual ways.

Besides material and financial damages, this includes also indemnity for time lost because of the crime, for fright, fear, shock, pain etc.

Furtheron for results as impediments, loss of wages, loss of enjoyment of life etc.

In case of murder: For the presumable lifetime of the victim, to pay income and pension to the kin.

Note: A lifetime convict doesn't have any incentive to work efficiently. However, in cases where the victim was older than the killer, the latter would have a chance and so an incentive.

But a killer may not be freed earlier than it would be according to the present criminal code.

And in case of a permanent dangerous criminal, there remains still the possibility of keeping him in security custody.

Teaching about the criminal code and especially these regulations should be compulsory subject in all schools
in each class
once every year,
being repeated through all grades.

- -

Thus the criminality could be seriously reduced.

For further improvement, the system should be applied to persons who commit a first offense, like this:

They should get off completely free from punishment except that they have to pay off in full the damage from their regular income. In case they fail to do so or, they commit another crime, then they have to get the full conviction, including forced labor.

With this, we would prevent that a quarter or more of the people is composed of convicts.

But on the other hand, the victims of crimes would be indemnified in each case.

- -

With this system of redress, Canada would have the most advanced criminal law of the world and history.

In section 6/32 to add:
(freedom of expression)

This right has its limits in

Protection of the young:

On the other hand this limit of free expression was and is often misused to prohibit or to oppress also information or literature for adults - even to exert an influence into the privacy of bedrooms.

- -

As every right has its limit where another right gets hurt, the freedom of expression may not violate the honour of a person. It may not be misused for defamation, slander, libel, calumny.

- -

The private matters of an individual may not be published without his or her consent.

- -

What is good taste? - This term has a wide range, but it is definable by the facts of bad taste:
By natural common notion and

convenience of a not completely uneducated, demoralized or insane person, there are clearly of bad taste e.g. ugly, disgusting, loathsome things and their presentation which instinctively stir up abhorrence: E.g. eyesores like garbage piles, junk, refuse of butchery, cruelties, carcasses, gaudy loud colours - shrill, piercing noise - penetrating stench.

These examples show that a normal unspoiled person easily can determine what bad or good taste is - in a general obliging way.

Conclusive for the violation of this section is a public display.

- -

to add in section 6/34:
(association)

...except associations whose purposes are criminal or which operate against the constitution or the freedom.

- -

to add in section 6/36
(dissemination of news):

...as long as it doesn't cause: endangering of peace - high treason - economical damage to the whole nation.

News which could cause international complications or riots; which taddle military or diplomatic secrets; which spread economical intentions, discoveries, inventions, transactions of nation-wide importance - before they are secured.

- -

to add in section 6:

- the right to the
own picture

Nobody may take pictures of a person without his or her consent.

This consent is automatically given by public persons at their public appearances.

Nobody may publish the picture of a person without his or her consent.

This consent also has to be asked from a public person.

- -

to add after 7/15:

The residence is inviolable -
except in connection with
crime.

Explanatory Notes

"My home is my castle" -
this old principle should be
kept upright expressively.

7, 14/15 includes it generally,
but there could be other viol-
ations which the individual
has to be protected from.

Of course this right is forfeited
if the residence is involved
in crime. 'In connection' in-
cludes well-founded suspicion.

- -

to add in section 6:

- right to unrestricted
information;
there is no censorship.

The Canadians shall have the
right to provide themselves
with information regarding
any area of interest they choose
with the exception of personal
records (except their own).

Consequently there can be no
such thing as censorship.

Also restriction of information
from abroad is excluded.

Misuse of material which could
be damaging by dissemination
or propagation is excluded by
other sections of this constitut-
ion.

- -

to change in section 26:

Previous existing rights:

This point should be formulated
more cautiously.

E.g. hunting cannot be exercised
any more as previously because
there are more humans now than
game. Therefore this old right
has to be restricted; otherwise
the game will become extinct.

Suggestion: To omit the word
'derogate'. To add: "...as far
as circumstances still allow."

New section

FORFEITING OF BASIC RIGHTS

The basic rights are forfeited for those who misuse them to fight against the basic rights such as freedom, property, constitution.

That concerns especially the freedom of expression of opinion through media,

assembly,
association,
teaching,
indoctrination;

or the misuse of right of sanctuary,
wealth,

privacy of correspondence

Explanatory Notes

Although such precautions are scattered among some sections, these limits should be stated separately and expressed:

As there are very strong forces whose main goal is just the removal of these rights, we should give it a special emphasis.

It is not easy to handle and may sometimes be misused simply to suppress an inconvenient opinion.

The establishment of a special department at the supreme court for constitutional matters is advisable.

Every trouble with this matter would be small compared with the results if enemies of the free constitution would gain power...

New section:

Violation of Basic Rights

(1) If the basic rights of an individual are violated, he or she can appeal to court. Appeals regarding constitutional matters are free-of-charge.

(2) Exemption: If it turns out that the appeal was made only for the sake of causing trouble and disturbance, the complainants have to pay the full costs of their troublemaking.

Explanatory Notes

(1) Free-of-charge: In order to avoid a dependence on wealth for the execution of this right.

(2) To protect the institution from mere troublemakers. If they are without means, they have to work it off according to the proposed system of redress.

Federal / provincial powers

Where ever possible, Canada should act as one nation.

Matters which are the same everywhere, should be handled by just one regulation for all of Canada; e.g. education, defense, unemployment, vehicles, pollution control, noise abatement etc.

On the other hand, in such a vast country as Canada - things cannot be handled with full efficiency by a central administration. Even a provincial government cannot do this completely and has to delegate to regional districts. Yes, even these are too large and should be devided into subdistricts.

Matters of regional or local nature should be decentralized to a maximum.

But this may not lead to such conditions that one is not allowed to bring e.g. eggs or wine to another province.

As the case may be, with the discussions about federal/provincial rights, the individual rights may not have to take a backseat.