

Friends of the Canadian Wheat Board

--a coalition of farmers and other Canadians in support of a democratic, farmer-controlled CWB

Friends of CWB again take federal government to court to protect farmers' democratic rights

News Release

Thursday, January 7, 2010

Winnipeg, Man.-- The *Friends of the Canadian Wheat Board (FCWB)* are being forced to once again take on the Federal Government in Federal Court. “The Friends of the Wheat Board launched this case in 2008, and we were hoping for a speedy trial,” said Laurence Nicholson, a grain producer from Seven Persons, Alberta. “True to form, though, the federal government fought us at every turn and the expedited trial was denied. But this case is about basic democracy and fairness for farmers, and we will press on.”

At issue is whether a government Minister can override the *CWB Act* and Regulations with a “secret” letter of instruction which fundamentally changes the rights and responsibilities of CWB Permit Book holders. During the 2008 Director Elections thousands of farmers were unilaterally and without notification stripped of their automatic voting privileges by a letter issued by Minister Ritz in July 2008 and not made public for two months.

“Since coming into office in 2006 the Harper government has used every dirty trick to try to kill the Canadian Wheat Board”, said Saskatchewan farmer Stewart Wells. “Farmers had to challenge the government in Federal Court in 2007 over the legality of a Cabinet Order which would have fundamentally diminished the effectiveness of the CWB. We were successful with that major action, but the government has kept on attacking the CWB at every opportunity. Now the government is attacking the basic democratic rights of Canadians—in this case farmers. For instance, the RCMP concluded that in the 2008 CWB Director elections Conservative MPs spent thousands of dollars of taxpayer money directly campaigning on behalf of anti-CWB candidates.” A sixteen page account of the systematic and sometimes illegal attacks on the CWB is available upon request.

“It should be illegal for MPs to use taxpayer money to campaign in CWB elections, school board elections, civic elections, or any other independent election process,” concluded Laurence Nicholson, “just as we believe that it is illegal for the government to override a farmer-run-and-financed election process mandated by Parliament with a ”secret” letter.”

Donations towards the legal action can be made directly to the Friends of the Canadian Wheat Board, c/o 104 Rue St. Pierre, St. Norbert, MB, R3V 1J8.

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Why we are taking the federal government to court over the CWB . . . again

The *Friends of the Canadian Wheat Board (FCWB)* is an organization led by farmers but open to all Canadians who value democracy, honest government, and strong family farms. The FCWB took the federal government to court in 2007 and won. Now, the federal government's handling of the CWB's farmer Director elections in 2008 has left us with no alternative but to launch another court action opposing the government's interference with our marketing agency—our business—the CWB.

Long before other Canadians were worried about Mr. Harper's numerous abuses of power: the firings of key agency personnel, the suspension of parliament with a phone call, the refusal to provide documents to the House of Commons, or the government's falsehoods told to the House of Commons ("falsehoods" is the term used by *The Globe and Mail* Dec. 7, 2009); the Friends of the CWB were standing up for the rights of Canadian citizens, in our case, farmers. In 2007, the FCWB initiated a court action that proved Mr. Harper acted illegally when he attempted to circumvent Parliament and remove the barley marketing advantage of the CWB by Cabinet Order. Mr. Harper's Cabinet decree was overturned by a Federal Court judge, and that ruling of government illegality was upheld seven months later on appeal.

Now, we find we must resort to the courts once more. Just prior to the CWB Director elections of 2008, a "secret" letter was signed by Gerry Ritz, Minister of Agriculture, and sent to the Canadian Wheat Board. This letter of instruction from the Minister overturned the *CWB Act and Regulations*--changing the voting rules for the 2008 elections. The result was that thousands of legitimate CWB Permit Book holders were stripped of their legal voting rights without even a direct notice that their rights had been eliminated. At exactly the same time however, the Harper government was again spending large amounts of taxpayer money making it easier for people that had never held CWB permit books, and never ever intended to market grain through the CWB, to receive a ballot.

The Friends of the CWB launched our case questioning the legality of Minister Ritz's actions in the fall of 2008 in the hopes that the Federal Court would hear the case before the Director elections were held, and in the hopes that the voting privileges would be returned to the farmers. The Harper government blocked our call for an expedited hearing, however, and our court date has been set for January 20, 2010.

Overriding legislation with a "secret" letter was not the only undemocratic action taken by the Harper government in the Director elections of 2008. At the same time, Conservative MPs used thousands of taxpayer dollars to actively campaign (as determined by the RCMP) in the Director elections—sending letters from Ottawa telling farmers exactly how to vote against the marketing advantages of the CWB.

And secondly, again in 2008, the Harper government removed the election spending limits for third party interveners. This means that an individual, company, or organization can now spend unlimited funds to campaign during the election, but a farmer that is actually seeking election as a Director is limited to spending just \$15,000! The logical conclusion is that Mr. Harper will also remove spending limits in general elections if he ever has the chance. In his previous role as a corporate lobbyist, he has already argued for this change before the Supreme Court. The result would be a process where each would-be MP has to raise millions just to have a chance of being elected.

The abuse of political power has been well documented through the ages, whether that abuse has come from Kings, or would-be Kings. Unfortunately, once they have that first taste of democratic unaccountability they can never get away from it. Seemingly more powerful than any narcotic, the abuse of power keeps growing until the citizens stop playing the role of “enablers”.

As farmers, and members of the Friends of the Canadian Wheat Board, we are forced to go to the Canadian courts to try and hold on to our democratic rights. Your financial support is welcome, and we hope that others will learn from our experiences before Canada’s democratic traditions are further eroded. Donations can be made to The Friends of the Canadian Wheat Board, c/o 104 Rue St. Pierre, St. Norbert, MB, R3V 1J8.

Submitted by Stewart Wells, on behalf of the Friends of the Canadian Wheat Board, and on behalf of the 11 farmer applicants from across western Canada. For more information, please contact Stewart Wells at 306-773-6852.