ARCHITYPES

Legal Archives Society of Alberta Newsletter

Volume 15, Issue I, Summer 2006

Prof. Peter W. Hogg to speak at LASA Dinners.

We're rich, we have control over our oil and gas reserves and we're the envy of many. But it wasn't always this way. Instead, the story behind Alberta's natural resource control is one of bitterness and struggle. Professor Peter Hogg will tell us of this struggle by highlighting three distinct periods in Alberta's history: the province's entry into Confederation, the Natural Resource Transfer Agreement of 1930, and the Oil Crisis of the 1970s and 1980s. It's a cautionary tale with perhaps a few surprises, a message about cooperation and a happy ending. Add in a great meal, wine, silent auction and legal kinship and it will be a perfect night out.

Peter W. Hogg, C.C., Q.C., L.S.M., F.R.S.C., scholar in residence at the law firm of Blake, Cassels & Graydon LLP.

Peter W. Hogg was a professor and Dean of Osgoode Hall Law School at York University from 1970 to 2003. He is currently "scholar in residence" at the law firm of Blake, Cassels & Graydon LLP. In February 2006 he delivered the opening and closing remarks for Canada's first-ever televised public hearing for the review of the new nominee for the Supreme Court of Canada. Hogg is the author of *Constitutional Law of Canada* (Carswell, 4th ed., 1997) and *Liability of the Crown* (Carswell, 3rd ed., 2000 with Patrick J. Monahan) as well as other books and articles. He has also been cited by the Supreme Court of Canada more than twice as many times as any other author.

On December 14, 1929 Prime Minister Mackenzie King (in ornate chair) and Premier John E. Brownlee (to his left) concluded negotiations to execute the Natural Resouces Transfer Agreement which gave Alberta control over its public lands. Photo courtesy of the Alberta Court of Appeal, Edmonton. Original photo from the National Archives of Canada PA-188951

The Edmonton dinner will be held on Wednesday, September 27th at the Fairmont Hotel Macdonald and the Calgary dinner will be the next day, Thursday, September 28th, at the Fairmont Palliser Hotel. Both evenings begin with a reception at 6:00 pm when guests can enjoy a glass of sparkling wine and live music. Dinner will begin at 7:00 pm. There will be a silent auction in both cities and proceeds will go towards maintaining LASA's many historical programs such as displays, oral histories, publications, research services and of course the archives. Tickets are $100 each or $750 for a table of eight and can be purchased by contacting LASA at (403) 244-5510 or legalarc@legalarchivessociety.ab.ca.

Please join us for an historical evening and celebrate the legal history that has contributed to the prosperity that we enjoy today.

❖

From the Vault

The Honourable John C. Major, Q.C. Donates First Two Instalments of His Records to LASA

by Brenda McCafferty, Archivist

In all the years since the formation of the Law Society of Alberta in 1907, just four native sons have had the honour of serving on the Supreme Court of Canada. These distinguished men include Henry Grattan Nolan, Ronald Martland, William Stevenson and John C. Major.

Harry Gratton Nolan, Japan 1947. Taken while Nolan served as a prosecutor representing Canada before the International Tribunal for the Trial of War Criminals in the Far East, Tokyo. (from LASA accession number 2004-005)

Henry Grattan Nolan (1893-1957), was the son of the famous early Calgary lawyer Paddy Nolan. He had the distinction of representing Canada in the International Military Tribunal in Tokyo, (Japan 's equivalent to the Nuremberg trials) following the Second World War. The International Military Tribunal was responsible for trying war criminals in the Far East. Nolan was appointed to the Supreme Court of Canada in 1956, but died a year later at the age of 64. The second, and longest serving appointee to the Supreme Court, was Ronald Martland (1907-1997). Martland graduated from high school in Edmonton at age 14 and went on to become a Rhodes Scholar. He served as a Supreme Court Justice between 1958 and 1982 following a long and successful law practice in Edmonton with the Milner Steer firm. The third Alberta Supreme Court Justice appointee was William Stevenson, another Edmontonian and well known lawyer and professor of law from the University of Alberta. Stevenson, along with William Morrow, J. A. Laycraft, R. A. MacKimmie, and J. V. H. Milvain, was counsel in "Wakefield v. Oil City" ([1959] 29 W.W.R. 638), which became the last Canadian appeal to the Privy Council in London, England in July 1959. He is also the founding editor of the *Alberta Law Review*. Stevenson served on the Supreme Court of Canada between 1990 and 1992.

The last of these important men, and the subject of our noteworthy acquisitions column, is The Honourable John C. Major, Q.C. recently retired from the puisne court after serving thirteen years (1992-2005). Since retiring Major has returned to Alberta (Calgary) where he has resumed the practice of law where he left off, as counsel at Bennett Jones LLP.

The Legal Archives was pleased to receive the first two installments of Major's records including 3.5 metres of text, photographs, DVD's, VHS tapes, CD's, medals, medallions, trophies, pins, artwork, and several certificates of award. Justice Major was appointed to the Court of Appeal of Alberta in 1991 (his reason's for judgment volumes are included with this donation). During his tenure on the high court Major received three honourary Doctor of Law degrees - from the University of Toronto, the University of Calgary and Concordia University. Memorabilia from these occasions are represented in the files. Also included are awards and nominations, Supreme Court of Canada appointment and retirement congratulations, oath of office, newspaper clippings, speaking notes, addresses, general correspondence files, information collected regarding Major's appointment as QC in 1974, and a 1976 file pertaining to plea bargaining. The total date span of the collection ranges between1975-2005 and more is expected to arrive soon.

John C. Major was educated at Loyola College (now Concordia University in Montréal) and at the University of Toronto where he obtained his LL.B in 1957. He was called to the Alberta Bar in 1958 and practised law with Bennett, Jones and Verchere in Calgary where he was a senior partner. He received his Q.C. appointment in 1972. His impressive legal resume includes acting as a senior Counsel for the City of Calgary Police Service, 1975-85; Counsel at the McDonald Commission regarding RCMP wrongdoing, 1978-82 (records of these proceedings are held by LASA); Counsel for the Royal Commission into the collapse of the CCB and Northland Bank (Estey Commission); and Senior Counsel for the Province of

Wakefield v. Oil City Petroleums (Leduc) Ltd. Counsel from Canada in the last Canadian appeal to the Privy Council, July 1959. Standing at back left to right: James H. Laycraft, R.A. MacKimmie, William Stevenson. Seated left to right: J.V.H. Milvain, W.G. Morrow. (LASA photo number 47-G-8)

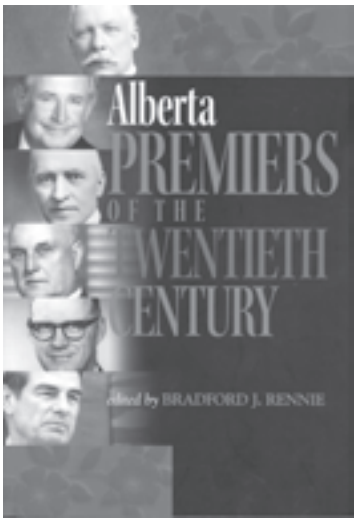
Alberta at the Code Inquiry into the collapse of the Principal Group of Companies, 1987.

Major was appointed to the Alberta Court of Appeal on July 11, 1991 and on November 13, 1992 he was appointed to the Supreme Court of Canada by then Prime Minister Brian Mulroney.

His recent appointment to chair the public inquiry into the 1985 Air India Bombing that killed 329 people has made headlines across Canada. The Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182 began June 21 and over the course of the summer Major will listen to depositions from people who want formal standing at the inquiry. He will begin hearing evidence in September and the inquiry is estimated to take one year. ❖

Library News

by Stacy Kaufeld



Compared with last year's significant library acquisitions, including the completion of the Osgoode series and the library of the Last Honourable John W. McClung, the first half of 2006 has been a bit slower. Nonetheless, the books LASA have received have once again run the spectrum of topics, such as biographies, general histories and legal texts. Some of the highlights include: John Ballem, *The Oil Patch Quartet*; The Honourable Gerald Barnable, *Under the Clock: a legal history of the "Ancient Capital"*; Christopher English et al., *A Flag, An Anthem, A Courthouse*; Christopher English and Christopher Curran, *Silk Robes & Sou'westers: The Supreme Court, 1791-1991*; Franklin Foster, *John R. Brownlee: A Biography*; Nina Jane Goudie, *Down North on the Labrador Circuit: The Court of Civil Jurisdictions 1826 to 1833*; J.W. (Buzz) McClung, *History of the Alberta Court of Appeal*; Bradford J. Rennie (ed.), *Alberta Premiers of the Twentieth Century*; J. Lukin Robinson, ESQ., *Reports of Points of Practice, 2 volumes*; and Horace Smith, *Addison on Torts. A Treatise on Wrongs and Their Remedies*. LASA also received 20 copies of the *Selden Society Annual Series, vol. 94 & 100 – 119*.

Two notable library donations LASA received are Michael Payne, Donald Wetherall, and Catherine Cavanaugh (eds.), *Alberta Formed – Alberta Transformed, 2 volumes* donated by Alias Sanders on behalf of Sylvia Siu-yin Ko and Scott Andrew Couper. The Honourable Judge Norman R. Hess donated the inaugural issue of the *Alberta Law Review* printed in the Fall of 1955.

LASA would like to extend a special thanks to those individuals who donated books, including Graham Price, Q.C., John Ballem, Q.C., The Alberta Court of Appeal, Stacy Kaufeld, , and Craig Spencer. ❖

Keegstra:

Reassessing the Legality of Freedom of Speech

by Stacy Kaufeld, M.A.

Recently two issues have consumed the Canadian public concerning the validity of freedom of speech. First the Danish cartoon debacle and the questions of whether non-publication of the infamous cartoons was a setback for freedom of speech. Second, disgraced Native leader David Ahenakew recently won his appeal in the Court of Appeal of Saskatchewan after being charged with willfully promoting hatred against a minority group. For many Albertans, the Ahenakew case sparked memories of James Keegstra, a high school teacher and Mayor of Eckville, Alberta, who was charged and convicted twice under section 281.2(2) of the Canadian Criminal Code with "willfully inciting hatred" against the Jewish peoples. Just as today, in 1981 there was tremendous divisive debate over whether what Keegstra uttered inside his classroom was protected by section 2(b) of the Charter of Rights and Freedoms.

The social implications of the Keegstra case on Alberta and Canadian society was certainly clear. The trial demonstrated that racism and hatred was rampant throughout all segments of society. Keegstra was not a violent neo-Nazi skinhead nor was he parading around Eckville on a horse wearing a white pillow case on his head. He was an authoritative, trusted teacher and Mayor. James Keegstra was a well-respected member of the rural community, but his teaching of historical lies and bigotry were couched in the guise of legitimate scholarship.

The Keegstra trial was the first of its kind in Alberta to challenge the constitutionality of section 281.2(2) of the Criminal Code of Canada. Keegstra claimed that this section infringed upon his right to freedom of expression, which he asserted is protected in section 2(b) of the Canadian Charter of Rights and Freedoms. For many in Eckville—a small town about 40 kilometers northwest of Red Deer—the Keegstra trial brought unwanted attention to this tight-knit community. And, at the same time, it revealed a division between those who supported Keegstra and those who were against him.

The Law

Was what Keegstra said a crime? This case illustrates the difficulty in finding a balance between the protection of individuals against hatred and the guarantee of freedom of speech—a fundamental right in Canadian democracy. Even before the introduction of the Charter of Rights and Freedoms, the courts believed in the significance of freedom of expression. Because of the centrality of freedom of expression in a vibrant democratic society, it is difficult to prosecute cases that involve this issue. In fact, by 1984 there had been no successful prosecutions under this section of the Criminal Code since its inception in 1970. Furthermore, the case went through two trials with appeals to the Court of Appeal of Alberta and the Supreme Court of Canada, which demonstrates the difficulty in bringing actions involving freedom of speech to court.

It became difficult to successfully prosecute this section of the Criminal Code because of the concerns of civil libertarians, who believed that the scope of this particular section was far too broad. Thus, the government put in place a number of measures to narrow the scope of what it meant to be "willfully inciting hatred." These added clauses placed the legal system in a tough situation to determine the differences between "justifiable" and "unacceptable" forms of expression. The added clauses allowed for four specific defenses under the new law that stated, "no person shall be convicted of an offence under subsection (2):"

(a) if he establishes that the statements communicated were true;
(b) if, in good faith, he expressed or attempted to establish by argument an opinion upon a religious subject;
(c) if the statements were relevant to any subject of public interest, the discussion of which was for the public benefit, and if on reasonable grounds he believed them to be true; or
(d) if, in good faith, he intended to point out, for the purpose of removal, matters producing or tending to produce feelings of hatred towards an identifiable group in Canada.

These clauses further limited the prosecutorial scope of the law. The use of the terms "in good faith" and "on reasonable grounds" provided Keegstra with greater latitude for his defense against the charges. Thus, in this case, the burden was on the Crown to prove that Keegstra not only willingly and knowingly made hateful comments about Jews, but to also prove that Keegstra, in fact, knew his teachings were a lie.

Case History

Preliminary Trial

The proceedings to determine Keegstra's guilt began in 1984 and lasted until his final conviction in 1996. Keegstra claimed that subsection 281.2(2) infringed upon his right to freedom of expression guaranteed by section 2(b) of the Charter of Rights and Freedoms. The preliminary stage of the case was to determine whether there was sufficient evidence to hold Keegstra for trial. The focus for both the Crown and the defense would fall largely on student notes, exams, essays, and the testimony of Keegstra's students, especially those who sympathized with his point of view. For Crown lawyers Bruce Fraser and Larry Phillipe, the focus on these items was crucial for helping to determine a pattern of teaching and promoting historical lies. Student papers show that Keegstra blamed many of the world's events on the Jewish people, including the American, French, and Russian Revolutions. And, although there is no indication that Keegstra outright denied the existence of the Holocaust, he certainly questioned the extent and validity of that event.

Douglas Christie, the Victoria-based lawyer who came to Keegstra's aid, would use the same evidence to argue the validity and accuracy of the student's notes, essays, and exams. He claimed the items were largely inaccurate and failed to provide a true representation of Keegstra's teachings. Thus, Christie concluded that the Crown was unable to establish that Keegstra used his classroom as a platform to disseminate hatred against the Jewish people. The Honourable Judge Douglas Crowe, however, disagreed with Christie and on 15 June 1984, after hearing nine days of evidence, committed Keegstra to stand trial for willfully promoting hatred against the Jews. In his oral judgment, Crowe stated:

> there is, in my mind, no doubt that these statements, or some of them…are capable of promoting hatred of the Jewish people.

Constitutional Law

As a self-proclaimed advocate of free speech, the second stage of the trial is where Douglas Christie would focus on the harmful effects of this trial on the right to freedom of expression. The constitutionality of section 281.2(2) was argued in front of The Honourable Justice Frank H. Quigley in the Court of Queen's Bench in Red Deer on 10 and 11 October 1984. The defense recruited Calgary lawyer Duncan McKillop, Q.C. to argued the validity of section 281.2(2) and the protection Keegstra should received under section 2(b) of the Charter of Rights and Freedoms. Mr. McKillop quickly distanced himself from the essence of what Keegstra taught. McKillop's purpose was to argue the constitutional issues, not provide legitimacy to Keegstra's version of history. Essentially, Mr. McKillop argued that what Keegstra said was protected by the Charter of Rights and Freedoms, regardless of how much we may disagree with the content.

Justice Frank Quigley who heard the first Keegstra trial at Court of Queen's Bench in Red Deer. Photo courtesy Alberta Justice

Of course, Crown lawyer Bruce Fraser disagreed with McKillop's interpretation of the Charter's section. Whereas McKillop argued that section 281.2(2) of the Criminal Code limited Keegstra's right to freedom of expression, Fraser argued that Keegstra was not being charged with the "expression of hatred," but the "promotion of hatred." Moreover, Fraser asserted that the protection offered by section 2(b) of the Charter of Rights and Freedoms was not absolute. He argued that there are limitations on freedom of expression, and the Keegstra case was an excellent example of the need for such limitations. On 5 November 1984, Justice Quigley agreed with the Crown and confirmed that section 281.2(2) was constitutional:

> It is my opinion that section 281.2(2) cannot rationally be considered to be an infringement which limits 'freedom of expression,' but on the contrary it is a safeguard which promotes it.

In his judgment, Justice Quigley balanced his decision to quash Keegstra's constitutional position on section 2(b) with the right to equality granted under section 15 of the Charter of Rights and Freedoms. Quigley also considered section 1 of the Charter, which weighed the objective of protecting individuals or groups from hatred against the need to protect freedom of expression.

The Keegstra trial finally began in April 1985—nearly three years after the initial complaint was filed—and lasted 3½ months. The jury found Keegstra guilty of willfully promoting hatred against the Jews and fined him $5,000. Keegstra, however, quickly appealed the case to the Court of Appeal of Alberta who overturned the original judgment on 6 June 1988 on the basis that section 281.2(2) was unconstitutional. The Crown took the case to the Supreme Court of Canada, who began hearing arguments in December 1989.

Archival Vignettes - Continued

The Supreme Court of Canada

James Keegstra's fate was now up to the Supreme Court of Canada. Like much of this case, it was not going to be straightforward. The Court of Appeal of Alberta overturned the original judgment citing that section 281.2(2) was unconstitutional. The Crown, however, was asking the Supreme Court of Canada to reinstate the original verdict. The Supreme Court approached this constitutional case as they would any other constitutional case. The first stage consisted of determining whether section 281.2(2) violated Keegstra's rights to freedom of expression. The majority of the court felt that "willfully promoting hatred" does not fall outside the scope of section 2(b) of the Charter. The Court's members made the distinction between "violent" and "non-violent" forms of expression; the latter, the Court asserted, should be protected under section 2(b). The majority felt that there is not necessarily a casual connection between hate speech and violent behavior.

Cartoon from *The Canadian Jewish News*, May 23, 1985 in response to the Keegstra trial which revealed that grade 12 student essays, from a social studies course Keegstra taught in 1981-82, stated that Jews were conspiring to take over the world.

During the second stage of considering the constitutional issues, the Supreme Court analyzed "whether [section 281.2(2)] was a reasonable limit which was demonstrably justified in a free and democratic society." During their debate, the Court considered Charter sections 15 (equal protection) and 27 (preservation of multiculturalism), and Canada's international obligations. The Court concluded that it for more beneficial to society to protect individuals and groups against hatred and lessen racial, ethnic and religious tensions than to uphold what the majority believed to be a tenuous reading of section 2(b) of the Charter. It was the majorities' contention that the underlying values entrenched in section 2(b) of the Charter did not include the hate speech churned out by Keegstra in his Eckville classroom. In fact, in their judgment the court outline the essence of freedom of expression as the "search for truth, individual self-fulfillment, and the maintenance of a vibrant democracy."

The Second Trial

The case was sent back to the Court of Appeal of Alberta, who again overturned the original decision. However, this time it was because the trial judge erred by failing to properly instruct potential jurors who were certainly inundated with "pretrial publicity." Though the Supreme Court of Canada determined that there was "reasonable and justifiable limitation" for the charge under section 281.2(2), the Court sent the case back to the Alberta Court of Appeal. That Court overturned the original verdict based on the notion that the trial judge erred by failing to properly instruct potential jurors who would have certainly been inundated with "pretrial publicity." Keegstra's retrial, which began in March 1992 and lasted nearly four months, ended with a similar conclusion as his first trial. He was convicted and subsequently fined $3,000. Keegstra's appeal was once again granted by the Alberta Court of Appeal, because he argued that the trial judge erred in responding to jury questions. A new trial was ordered. However, The Honourable Mr. Justice R.P. Foisy dissented claiming that there was no justifiable basis for a reversible error. Thus, the Crown, with Justice Foisy's supporting dissent, appealed to the Supreme Court of Canada. In February 1996, the Supreme Court of Canada reinstated its 1992 conviction after Keegstra's final appeal was overturned. Finally, in September 1996 the entire saga came to a close with Keegstra receiving one-year suspended sentence, a year's probation and 200 hours of community service.

Conclusion

This is not the forum to discuss the validity of freedom of speech. What is clear is that this issue is not straightforward. Even the top court in our country cannot come to a unanimous decision on how to deal with hate propaganda. Furthermore, the current issues surrounding freedom of expression demonstrate just how divisive this issue is. Can a balance be struck between protecting individuals from the stigma that result from such speech, while defending one of Canada's most fundamental rights? The period between the Keegstra issue and the more recent concern illustrates an unwillingness to reconcile the division. It would certainly seem that the polarized advocates of their respective opinions do not see such a balance coming to fruition in the near future. ❖

This article is an excerpt from a larger piece by Stacy Kaufeld on Human Rights which will be included in the Law Society of Alberta 100th Anniversary Publication.

Recent Unveilings

Hon. J.H. Laycraft stands next to his wife Helen, his bronze likeness, son James and daughter Anne MacKay at the Calgary unveiling.

Bronze busts honouring former Chief Justices of Alberta, William A. McGillivray and James H. Laycraft were recently unveiled in both Edmonton and Calgary. The Honourable Catherine A. Fraser, Chief Justice of Alberta, opened both events by sharing personal stories of both men, giving their biographies and describing their outstanding legal abilities.

The Honourable Allan H. J. Wachowich, Chief Justice, Court of Queen's Bench, spoke at the Edmonton unveiling bringing greetings from his court. He also had personal stories of both McGillivray and Laycraft and commented on their outstanding knowledge of the law. In Calgary, greetings from the Court of Queen's Bench came from Associate Chief Justice Neil Wittmann. The Provincial Court of Alberta was represented by Assistant Chief Judge A.H. Lefever in Edmonton and Judge E.R.R. Carruthers in Calgary.

Graham Price, Q.C., President of LASA gave some background into the development of the bust program and its expansion to include Supreme Court Justices who practiced in Alberta and all of the Chief Justices from Arthur Sifton to S. Bruce Smith.

Katie McGillivray, daughter of Doug, attended the unveiling in Edmonton and stands next to the bronze bust of her grandfather William.

In all the speeches it was clear that both McGillivray and Laycraft were admired and respected members of the bar who accepted the role of Chief Justice with dignity and modesty. This was most telling in the response to the honour given by The Hon. Mr. Laycraft and the presentation by Doug McGillivray at the Calgary unveiling. Doug McGillivray read letters sent to his father after the announcement of his appointment to Chief Justice as well as William McGillivray's responses. In the letters it is clear that McGillivray was a humble man who wanted to be known as "Bill" and although obviously the right choice for Chief Justice he wouldn't allow the position to go to his head.

It is appropriate that these two men were the first to be honoured with bronze busts. ❖

Successful Grants = More Projects

LASA has received several grants so far this year which will help expand some of our programs, particularly displays, bronze busts and oral histories.

In March, the Community Initiatives Program (CIP), part of Alberta Lotteries, gave LASA a grant to continue with the bronze bust program ensuring that we will be able to produce busts of all of Alberta's past Chief Justices; Arthur Lewis Sifton, Horace Harvey, David Lynch Scott, George Bligh O'Connor, Clinton James Ford and Sidney Bruce Smith. Another CIP grant will go towards building eight new display cases so that LASA will have a display case in each of Alberta's 11 courthouses.

Our oral histories projects have also received funding this year from the Alberta Historical Resources Foundation and the Calgary Bar Association. David Mittelstadt has begun interviewing people in Calgary and Ken Tingley continues to conduct interviews in Edmonton.

We are also pleased that the Archives Society of Alberta has provided funds to process the records of several legal organizations: Alberta Civil Liberties Research Centre; Alberta Law Foundation; Association of Women Lawyers; Canadian Bar Association, Alberta Branch; and the Criminal Trial Lawyers Association.

In all cases these are matching grants which means that LASA still needs the support of the legal community to make sure these worthwhile projects are completed. ❖

Letters to the Editor

Dear Editor:

The recent issue of the Newletter refers to Neil D. Maclean as "notorious". This could be read as pejorative. While I expect that this was merely a Homeric nod, I think that it should be corrected.

When Neil D. left Short and Cross, E.W.S. Kane went with him. Ted's ethical standards were the sort of thing that legends are made of . It is, I think, true, that Ted left the partnership at the time of the MacMillan case, but I don't think he did so because of an ethical judgment. During my years with Ted (who was my first principal and partner), I never heard him say anything about Neil D. that was not respectful and affectionate, and when I sought and obtained Neil D.'s sound and careful advice in a litigation matter, I did so with Ted's full consent and approval. Later, as mentioned in the Newsletter, Buzz McClung practised with Neil D. So did Frank Dunne, who was the soul of decency. By his companions you may know him.

Irreverent, Neil D. certainly was. A case in point is his toast to the Bench at the Law Society dinner in '50 (I think). He found himself in a difficult position, he said, because the Bench wouldn't stand for the truth and the Bar wouldn't stand for anything else. He had long sought the golden thread that distinguished the Bench from the Bar and had finally concluded that it was that the Bench were all Grits. When walking up the stairs in the (now long-gone) Court House, he had heard a noise like a boy running a stick along a picket fence; this was the Chief Justice granting divorces. The solution to the clogging of the trial lists, in his view, was quite simple: buy the Chief Justice an aeroplane and send him around the province; he would soon clean up the lists. And there would be no difficulty in what to do with the rest of the judges: just form them into three Courts of Appeal. And so on. No one else could have carried such a thing off.

Neil D. was controversial. But he commanded the respect of Bench and Bar. And, while he was well-known, he was not "notorious".

William H. Hurlburt, LL.D (Hon), Q.C.

Dear Editor:

I always look forward to the Architypes Newsletter - although I am becoming a bit concerned that some of the things deemed 'historical' are within my career and present memory!

In that vein, I was somewhat puzzled at the description of Mr. Justice Jack Watson having "lately been emersed in the history" of the LSA. While descriptions of his legal activities would certainly show him as standing out in the legal history of Alberta, I think the author probably meant to say the Justice had been immersed in the history of the bar. Perhaps an article about him could be used to accomplish what was said, but not meant...

Secondly, the very interesting article, 'Robes of Distinction', contains a reference to Justice HCB Maddison, with the post-script '(Nunavut)'. For those of us who knew him as the long serving senior Supreme Court Justice here in the Yukon, the reference to Nunavut is intriguing. Are the robes donated by him ones relating to his supernumerary (or possibly *ex - officio*?) service in Nunavut, or is there some other story behind them?

David A.Mcwhinnie

The word "notorious" was not meant to be read as pejorative, but rather as "well-known" which in some of our sources (Roget's Thesuarus, 5th edition.) is an acceptable synonym. "Notable" would have been a better choice of word.

The author of the article *Robes of Distinction: Traditions in Legal Attire* referred to Justice Maddison as being with the court in Nunavut based on the most recent information given on the Department of Justice Canada website. The robe is from his time on the Yukon court. *Architypes* regrets causing this confusion. ❖

New Faces

Judge Robert (Bob) A. Philp

At the Legal Archives Society of Alberta Annual General Meeting in March, Judge Robert Philp was declared, uncontested, as a new Director. Robert (Bob) A. Philp practiced with the Old Strathcona Law Offices in Edmonton, cutomarily representing employees and Unions prior to being appointed to the Provincial Bench in June of 2005. He has a Bachelor of Arts (1972) and a Bachelor of Law Degree (1975) from the University of Alberta. Bob has been a member of a number of Law Society Committees throughout his career.

Bob has extensive experience representing clients before arbitrators, Labour Relations Boards and various levels of Courts, including the Supreme Court of Canada. He was legal counsel for the Alberta Labour Relations Board and the Alberta Human Rights Commission for five years. He also served as General Counsel to the Industrial Wood and Allied Workers Local 1-207.

Bob has been a lecturer in the Faculties of Business and Extension at the University fo Alberta, and is a frequent lecturer for the Alberta Arbitration and Mediation Society.

Bob was appointed a Presiding Justice of the Peace in 1997. His duties as a Justice of the Peace included issuing warrants and summons, conducting bail and child welfare hearings and issuing search warrants as appropriate.

Bob was appointed Queen's Counsel in 2000, and received the Queen's Golden Jubilee Medal in 2004 for Community Service from the late Lieutenant Governor Lois Hole. He was awarded the Alberta Centennial Medal in 2005.

Bob is a baseball historian and, with a friend, wrote and produced a one character play about Babe Ruth. "The Book of Ruth" has been performed at the Edmonton Fringe in 2000, the Mayfield Dinner Theatre in 2001 and the New York City Fringe in 2004.

Bob is pleased to have joined the Board of the Legal Archives Society of Alberta and we are looking forward to his contributions and guidance.

Leanne Thompson

LASA has been fortunate to have Leanne working for us this summer under a grant from the Federal Summer Career Placement Program. She has been busy researching cases, lawyers and judges for upcoming legal history displays and cataloguing books from the library of Hon. J.W. McClung. Occassionally Leanne has answered research requests and has become familiar with LASA's holdings and databases.

Leanne has received her Bachelor of Arts in History from the University of Calgary and will be attending The University of Toronto in September. There, she will start a Masters program in Information Studies, specializing in archives. We hope that her experience with LASA will help in her future education and certainly appreciate all the help she has given us this summer.

Alex Grant

Alex has been working with LASA under the Summer Temporary Employment Program (STEP) of the Provincial Government. He has also been researching material that will go into displays throughout the province as well as assisting researchers and editing oral history transcipts.

Alex will return to the University of Calgary this September to complete his Bachelor of Arts in History. His studies have concentrated on Canadian history and he has a strong interest in Western Canadian history. Alex has done a great job for us this summer and we wish him well as he enters the final year of his BA.

Kirsten Olson Departs

After over ten years of working for LASA (eight as Executive Director) I have decided to move on to other employment. My time at LASA has been rewarding, occasionally frustrating, often inspiring, but never boring. In my tenure here there has been considerable growth in our programs, our holdings, and the number of researchers who use our records. This all takes money and although we often receive grants for special projects we rely on your donations for our day-to-day operations. Unfortunately the number of donors to LASA has not kept pace with the increased demands on our services. I hope that LASA continues to grow and continues to receive support it needs from the legal community. There truly are archival treasures here and it would be a shame if they were lost due to lack of funds or restrictions to access. As my last act as Executive Director I encourage you to fill out the form at the back of this newsletter and send a donation to LASA - no matter what the amount. Your support is crucial. ❖

Donors

2006 Annual Campaign (to July 31)

The Legal Archives Society of Alberta

Honorary Members

Donald G. Bishop, Q.C.
Hon. Marjorie M. Bowker, C.M.
Wilbur F. Bowker, O.C., Q. C. (deceased)
Edward Bredin, Q.C.
Garth Fryett, Q.C.
James H. Gray (deceased)
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Louis D. Hyndman Sr., Q.C. (deceased)
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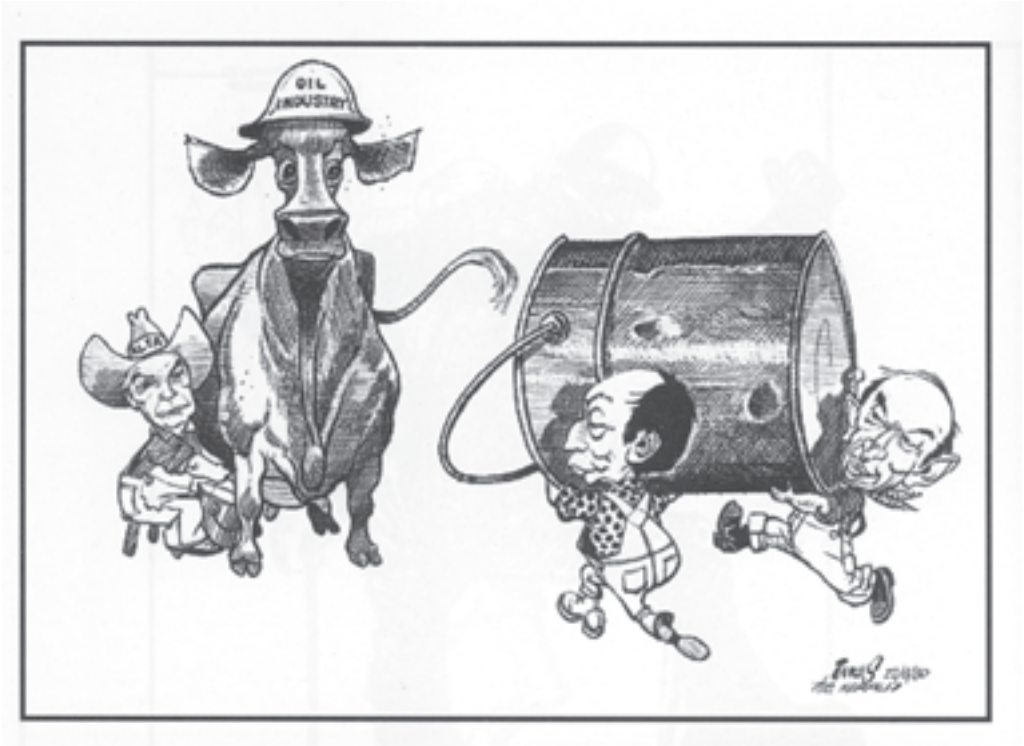

Tom Innes' cartoon in the Aug. 22, 1980, *Calgary Herald* show Prime Minister Pierre Trudeau and federal Energy Minister Marc Lalond coming to drain Alberta Premier Lougheed's "cash cow." The National Energy Program was introduced on October 28, 1980 and by the time it was cancelled in 1984 between $50 billion and $100 billion was drained from the province through price control and federal taxes.
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Mark Your Calendar

● LASA's **2006 Historical Dinners and Silent Auctions** will be held on Wednesday, **September 27th in Edmonton** and Thursday, **September 28th in Calgary**. LASA depends on fundraising to maintain its programs so please buy a ticket and support your legal history.

● Check out the Archives Society of Alberta website (www.archivesalberta.org) during **Archives Week, October 1 -7, 2006**. Every year Alberta archives contribute to a Virtual Exhibit and this year the theme is "In Defence of Alberta".

● Our next casino will be held on **November 13th and 14th**, 2006 at Casino Calgary. We need volunteers so please offer your help. The funds raised at casinos are vital to our on-going operations and programs.

● Please book **October 4, 2007** in your calendars for the Law Society of Alberta's 100th Anniversary Gala Dinners in Edmonton and Calgary. It will be hosted by the LSA, Court of Queen's Bench and Legal Archives Society of Alberta. Guest speakers include Chief Justice Beverly McLachlin (Edmonton) and The Honourable Peter Lougheed (Calgary). Watch this space for more details in coming issues of Architypes.

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