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ARTHUR BEAUCHESNE: A CASE STUDY IN
LEGISLATOR-STAFF RELATIONS*

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There are several ways to approach the study of legislators and their staff. A survey method would use questionnaires and interviews to try to establish the number of staff roles, the type and intensity of staff activity, the authority, power and influence in their relationship with parliamentarians, the patterns of communications, etc.⁽¹⁾ The participant-observer approach would permit a legislator or staffer to use his own personal experience to draw conclusions about some of these same questions. A third approach, the one used in this paper, is to examine in detail the life and work of a particular staff member and his relationship with members of Parliament and others. The person chosen for this purpose is Arthur Beauchesne, that well-known figure in our parliamentary history, whose career will illustrate how historical case studies can provide insights not only into legislator-staff relations but also about the place of Parliament in Canadian society.

* The author is grateful to Dr. Paul Benoît for his comments and suggestions on an earlier draft of this paper.

(1) See for example the study by Harrison Fox, Jr., and Susan Webb Hammond, Congressional Staffs (New York: The Free Press, 1977).

The Political Dimension

Beauchesne was born in Carleton, Bonaventure County in 1876. His father was a member of the Quebec Legislature and subsequently represented Bonaventure in the House of Commons where he sat as an Independent Conservative from 1879-1882. After receiving his primary education in Carleton, Beauchesne entered St. Joseph's Classical College in Memramcook, New Brunswick in 1888. He graduated in 1895 and took a job as private secretary to Pierre Evariste Leblanc, Speaker of the Quebec Legislature. He served briefly as secretary to a Commission established to study prison administration in Montreal and then began writing for newspapers including La Presse, La Patrie, the Star, and the Gazette. In 1898 Beauchesne was private secretary to Adolphe Chapleau during the last six months of Chapleau's life.⁽¹⁾ He subsequently joined the Conservative newspaper Le Journal and eventually became editor. During this period the school question was a major political issue and Beauchesne clashed with the Catholic hierarchy in Montreal over it. After numerous journalistic exchanges Beauchesne found himself involved in a libel suit which led to his resignation as editor and banishment to the Press Gallery in Ottawa. Throughout this period he was also studying law and in January 1904 he was admitted to the Quebec bar.

(1) See Arthur Beauchesne, "Adolphe Chapleau", La Revue Moderne, (March 15, 1921), pp. 17-20.

When Laurier called the 1908 election Beauchesne decided to contest his father's old riding although he had not lived in Bonaventure for some time. He was easily defeated by the Liberal candidate, Charles Marcil, who went on to become Speaker of the House of Commons. Beauchesne returned to his writing and his law practice. He decided against running in the 1911 election which swept the Liberals out of office. His main contribution to the campaign was a derogatory pamphlet comparing Laurier's politics to those of Machiavelli. "On chercherait loin dans l'histoire des peuples pour trouver une politique dont l'égoïsme, pratiqué à l'état de système, a si complètement réussi".⁽¹⁾ Among other things he accused Laurier of being on the payroll of the Protestant Protective Association, not because he endorsed their racism but because: "Il est dans son coeur indifférent aux deux races. Il se proclame anglais jusqu'aux moelles simplement parce que l'élément anglo-saxon est en majorité dans le dominion. Si les Iroquois ou les nègres étaient le plus grand nombre, il se réclamerait des leurs, de même qu'il redeviendrait grand Canadien français si nous avions la prépondérance".⁽²⁾

Beauchesne appealed to the electorate of Bonaventure again in May 1912, this time in a provincial election, but again he lost by a large majority. He promptly turned his attention back to

(1) David Hello (Arthur Beauchesne), Laurier Machiavel, Montreal, 1911, p. 16.

(2) Ibid., p. 19.

federal politics and wrote a laudatory pamphlet on the new Prime Minister, Robert Borden. He called Borden one of the greatest parliamentarians the country had ever known and identified him as the greatest friend and only hope for French Canadians.⁽¹⁾ A few months after its publication Beauchesne received a personal acknowledgement and later an offer of a job as legal adviser with the Department of Justice. His appointment still had to go through the Civil Service Commission and required several letters of reference. His former boss at La Patrie called him "L'une des meilleures plumes de la province du Québec... Quand on a du talent comme Arthur Beauchesne l'on réussit dans toutes les carrières que l'on embrasse".⁽²⁾ Another referee described him as being "très instruit et très averti; il connaît bien son droit, et est doué d'un jugement vif, mais sûr. Froid et légèrement sceptique, il a le tempérament qui l'immunise en quelque sorte contre l'enthousiasme, les préjugés ou les idées préconçues".⁽³⁾ Other recommendations were equally favourable and in June 1913 his appointment was confirmed. Beauchesne might have spent the rest of his career with the Department of Justice but fate intervened.

(1) Arthur Beauchesne, "Le Très Honorable M. R.-L. Borden", Montreal, 1912.

(2) Public Archives of Canada, "Charles Robillard to William Foran, Secretary, Public Service Commission", Public Records Office, May 29, 1913. (EF/32/c-2/vol. 117/file 51).

(3) Ibid., "Eugene Godin to William Foran", June 9, 1913.

On February 3, 1916, the Parliament Buildings were destroyed by fire and the Clerk Assistant of the House of Commons, J.B.R. Laplante, died in the blaze. The Clerk, Thomas Flint, wrote to the Speaker on the urgent need to recruit a replacement having a thorough knowledge of parliamentary law and an absolute fluency in the French language. Speaker Albert Sévigny quickly replied that he had "considered the nature of the qualifications referred to and had decided to recommend the appointment of Mr. Arthur Beauchesne".⁽¹⁾ The appointment took effect in March 1916. Beauchesne had barely time to adapt to the new job when Dr. Flint underwent an operation for cataracts which left him nearly blind and unable to fulfil many of the Clerk's functions for the last two years of his life. In 1918 a former Conservative Member of Parliament, William Northrup, succeeded Flint as Clerk. He was over sixty years old and also in poor health so Beauchesne continued to do most of the work including supervision of the construction of the new Parliament building which was finally opened in 1920.

In 1922 Beauchesne published a small handbook in which the Standing Orders of the House were printed together with numbered explanatory citations. His intention was to provide members "with annotations which can be used on short notice whenever questions of procedure arise in the course of debate."⁽²⁾ His book eventually ran

(1) Ibid., "Thomas B. Flint, Clerk of the House, to Civil Service Commissioners", February 11, 1916.

(2) Arthur Beauchesne, Rules and Forms of the House of Commons (Toronto: Canada Law Book Co., 1922), preface.

to four editions but by 1943 had grown enormously in size and could no longer be considered a handy reference book. "Nor in conception or execution could it be classed as a procedural treatise to rank with the seminal works of May and Bourinot. Moreover...Beauchesne's compendium has never been as carefully edited as its users might reasonably have expected."⁽¹⁾ Nevertheless Beauchesne's book and his willingness to work long hours and do extra duties established his reputation among members of all parties. In less than ten years he had made himself virtually indispensable to the House and despite his past affiliation with the Conservative Party it was a Liberal Prime Minister, Mackenzie King, who recommended his promotion to the clerkship in 1925. The Speaker at the time was Rodolphe Lemieux, a former Laurier lieutenant, whom Beauchesne had often criticized during his days as a journalist.

A year after becoming Clerk, Beauchesne witnessed one of the most dramatic parliamentary moments in this century when Mackenzie King, having been refused dissolution by the Governor-General, announced he had resigned and that there was no government. Professor Norman Ward has observed that in the early years of Confederation the Clerk frequently volunteered political advice⁽²⁾ and in the midst

(1) See C.B. Koester's introduction to Bourinot's Parliamentary Practice in the Dominion of Canada (Shannon: Irish University Press, Ireland, 1971), p. 10.

(2) Norman Ward, "The Formative Years of the House of Commons", Canadian Journal of Economics and Political Science, vol. 18 (November 1952), p. 440.

of this constitutional crisis Beauchesne also found it difficult to divorce the impartial execution of his duties from his longtime association with the Conservative Party. He took it upon himself to advise Arthur Meighen not to accept Governor-General Byng's invitation to replace Mackenzie King as Prime Minister. "By no means was this advice based on the constitutional angle but...from the standpoint of pure political strategy he felt Meighen should refuse to form a government. It would follow that Byng would have to send for King and give him his dissolution and that he, King, would then have to go to the country, that he would be on the defensive all the way through and would probably be soundly beaten."⁽¹⁾

A more typical example of the type of activity which occupied much of Beauchesne's time also occurred in 1926 when an independent backbencher from Vancouver Island, Allan Neill, wanted to criticize members of the Senate for voting against a bill on Old Age Pensions. Under the rules a member of one House is not supposed to allude to debate in the other place but Beauchesne found a way for Mr. Neill to proceed by resurrecting an obscure rule adopted at Westminster in the reign of Elizabeth I:

"The House of Lords had been under a cloud of suspicion. The Commons had passed a bill; it had gone to the Lords and never been heard of again. Whereupon the Commons adopted a rule providing that a motion could be moved for a committee to proceed to

(1) Roger Graham, Arthur Meighen, vol. 2 (Toronto: Clarke, Irwin and Co., 1963), p. 421.

the Lords and search for the missing bill, if necessary by force of arms. To the consternation of everyone save Beauchesne, Neill rose in the Commons and moved for a committee to search the records of the Senate. The motion entitled him to speak and never before or since has the Upper Chamber been more roundly abused." (1)

Arthur Meighen said this procedure violated the letter and the spirit of the rules "as violently as I have ever witnessed in this assembly." (2) Nevertheless the Speaker, who also relied on Beauchesne, ruled that the motion was in order since it referred only to the printed records of the Senate.

It is not surprising that Mackenzie King recognized the political advantage to be made of Beauchesne's expertise. One example which has been documented occurred in 1948 when John Bracken tabled a motion asking the government to produce all correspondence between British and Canadian governments relating to the ill-fated Canadian expeditionary force sent to Hong Kong in 1941. The war was over and King did not want to see this issue reopened. He asked Beauchesne to prepare an opinion which would justify withholding such documents. King then read Beauchesne's letter to the House and said the correspondence could not be tabled. (3) "I might have given this opinion in my own words, but I thought it would carry greater weight

(1) Grant Dexter. "His Grey Eminence", Maclean's Magazine, Vol. 44, (May 15, 1931), p. 48.

(2) Canada, House of Commons, Debates, June 14, 1926, p. 4425.

(3) Ibid., March 10, 1948, p. 2071.

with the House... if I gave the view of the recognized authority in Canada on parliamentary practice and the rules of this House."⁽¹⁾

The opposition took exception to this:

"We should not have to listen to a statement written by the Clerk. I have a high regard for the Clerk's understanding of the rules, but if the Prime Minister did not agree with his interpretation of the rules he would not accept it....

I do not think the Prime Minister should go beyond Beauchesne's Rules and Orders and obtain a written opinion from the Clerk, that is not in keeping with the dignity of this house and with the position of Clerk."⁽²⁾

According to his diary Mackenzie King said he took care to secure Beauchesne's agreement and Beauchesne seemed quite pleased to be quoted as an authority.

"They tried to take exception to my reading Beauchesne's opinion but I made clear that it was because they would not believe me. He was authority on rules and procedures and when final exception was taken, that I was giving opinion of an officer of the Government, I pointed out that Beauchesne was an officer of the House - not of the Government. These preliminary victories - for they were such - prepared the ground splendidly for what followed."⁽³⁾

It would take a much longer account to chronicle all the political intrigue in which Beauchesne was involved, for as one newspaper

(1) Ibid., p. 2073.

(2) Ibid., p. 2074.

(3) See J.W. Pickersgill and D.F. Forster, The Mackenzie King Record, vol. 4 (Toronto: University of Toronto Press, 1970), pp. 239-248, for a detailed description of this affair.

said "he had a talent for mischief which he exercised often."⁽¹⁾

At one point, J.F. Pouliot, M.P. for Temiscouata, drafted a petition demanding that Beauchesne be suspended from his duties because of a letter he wrote in 1931 complaining about the commercial exploitation of Christmas in Quebec by big business, the church and the population generally. Pouliot said the letter "constitutes a breach of the privilege of the Members of Parliament, (from the province of Quebec) and is an insult to all Privy Councillors, Judges, Members of the Clergy and to the whole population of Quebec."⁽²⁾ No action was taken on this petition and like other controversies in which he was involved he came out of it without damage to his career.

Beauchesne's interest in politics continued well after his retirement. In 1950 Maurice Duplessis asked him to serve as constitutional adviser to the Government of Quebec and Beauchesne prepared a long memorandum on constitutional reform. He was also listed as adviser to the Quebec delegation at the federal-provincial constitutional conference held in Quebec in September 1950.⁽³⁾ Age had not reduced his desire to be elected to the House and in 1953 he sought and won the Progressive Conservative nomination in Ottawa East. His

(1) Ottawa Journal, April 8, 1959.

(2) Canada, Public Archives, Pouliot Papers, MG 27 III C18 vol. 1.

(3) Robert Rumilly, Maurice Duplessis et son temps (Montréal: Fides, 1973), pp. 365-366.

campaign literature advertised him as a scholar, a man of action, a retired civil servant and "the candidate with the best qualifications" but it was not enough to prevent yet another lopsided electoral defeat. This gave Beauchesne the rather dubious distinction of having lost to a Laurier Liberal in 1908 and then losing again forty-five years later to a St. Laurent Liberal!

Beauchesne's life-long interest in active politics was not unusual. Indeed, since Bourinot's death in 1901 every Clerk has either sat in the House of Commons or been a candidate at one time or another. In the past he often tried to be more of a political participant than a non-partisan official, however, as the House has grown in size and complexity the administrative duties of the Clerk have increased and the scope for political involvement has decreased.

The Bureaucratic Dimension

The Clerk of the House of Commons has all the organizational responsibilities of a deputy minister. He also has the additional task of keeping administrative convenience from impinging upon the traditional right of Parliament to control its own affairs. Before looking at Beauchesne's efforts to secure the House's independence from executive control it is interesting to look at his position concerning his own salary since this also indicates something about the relationship between the legislative and the executive in those days.

When Beaudesne became Clerk Assistant in 1916 his salary was \$3,000. Upon promotion to Clerk he received \$6,000 which was increased to \$7,500 in 1930. Since Confederation the Clerk's salary had been equivalent to that of a deputy minister but at the same time as Beaudesne's increase the salary for most deputy ministers went from \$6,000 to \$10,000. This caused great concern to Beaudesne who eventually wrote a memorandum to Prime Minister Bennett on the subject.

"As Parliament is the highest court in the country, and the management of its affairs and the control of its procedure involve great responsibilities, it seems that the effect of lowering the status of its chief officers belittles Parliament. If the Clerk of the House of Commons is paid the same salary as the City Clerk of Toronto or Montreal, the prestige of Parliament must necessarily suffer. When one considers that this officer advises the Ministers and the Speaker on questions of procedure concerning the most important legislation when an error may have the gravest consequences or cause serious embarrassment to the Government it seems strange that he should be placed in a lower class than the deputy ministers in Government departments."⁽¹⁾

Bennett was unsympathetic to say the least. He replied that his colleagues were unanimous "that we cannot undertake to deal with the very difficult problem of salaries at this time. The present session is the last one of this Parliament and any action we might take in this connection would be greatly misunderstood."⁽²⁾ Beaudesne called this

(1) Public Archives of Canada, "Beaudesne to Bennett", Bennett Papers, June 4, 1935 (M 1071, vol. 361, p. 239979).

(2) Ibid., June 7, 1935, p. 239988.

news very discouraging and pointed out that other salaries had been raised during the session. He also said, "I have received favourable answers from three members of the Treasury Board to whom I sent the same memorandum."⁽¹⁾ Bennett's final reply was a terse note saying he had made definite inquiries and was advised that Treasury Board would not recommend any increase at this time. In 1947 the Clerk's salary was raised to \$10,000 in line with a recommendation of a Royal Commission, however, the same commission recommended salaries of \$12,000-\$15,000 for most deputy ministers.⁽²⁾

More significant than Beauchesne's salary dispute was his view of the relationship between the House of Commons and the Civil Service Commission. The theoretical right of the House to control its own affairs was outlined by Beauchesne using a memorandum drafted by Sir John Bourinot before the Civil Service Commission was created.

"The control and management of the officers of the Houses are as completely within the privileges of the Houses as any regulation of its own proceedings within its own walls. These officers are under the guidance of certain rules and orders of the Houses which are among the regulation of its proceedings and as essentially matters of privilege as the appointment of committees, the conduct of public business and the procedure of the Houses generally, including the acts of the Speaker himself in the Chair."⁽³⁾

(1) Ibid., June 8, 1935, p. 239986.

(2) Canada, Report of the Royal Commission on Administrative Classifications in the Public Service (Ottawa: King's Printer, 1946).

(3) Arthur Beauchesne, Rules and Forms of the House of Commons (Toronto: Canada Law Book Co., 1943), p. 273.

In fact, however, since 1908 the Civil Service Commission had responsibility for the appointment, classification and promotion of permanent House of Commons staff, while responsibility for organization of the staff remained with the House of Commons. Beauchesne was unhappy with this division of authority and he argued that the House should not be subject to classification by a body responsible to and appointed by the executive. He doubted the Civil Service Commission understood the peculiar requirements of the House of Commons.

"There are no departments of the Service in which the duties are similar to those in the House of Commons. No man trained in ordinary government department affairs is competent to fill any of our ordinary positions. For instance, we have Committee Clerks. There is no department which could train a Committee Clerk for us. We have six or seven. We have the Journals Branch. Where is the department which could train a man for the Journals Branch? If a man leaves the Journals Branch, or the Committee Branch, where is the department which could give him a training to fill such a position? There is none. We have our Law Branch. Our Law Branch cannot be assimilated to departmental Law Clerks. Our Law Clerks draft laws for the departments at the request of the deputy ministers. Upon their experience depend a lot of very important decisions. It may be the ruination of a family; it may be the downfall of a Government. These men need special training and are very good men." (1)

When he became Clerk Beauchesne formally challenged the jurisdiction of the Civil Service Commission over the House of Commons staff. After much correspondence the matter was referred to the

(1) Canada, House of Commons, Special Committee on the Civil Service, Minutes of Proceedings (April 13, 1932), p. 466.

Department of Justice which sided with the Commission. This made Beauchesne even more wary and in 1927 when the Commission sent him a report on classification and organization of the Commons staff Beauchesne saw this as evidence of a further encroachment. "I had to divide their report in two, one for classification which was under their control and one for organization which was under our control, and Mr. Speaker presented both to the House."⁽¹⁾ After this experience he changed tactics somewhat and began agitating for changes in the Civil Service Act.

In 1932, Beauchesne told a special parliamentary committee that the Civil Service Commission took too long to hire people for the House and that a large number of the people they hired turned out to be unsuitable for the job. The Committee recognized his complaint by noting that "certain positions on the staff of the house of Commons cannot be satisfactorily filled by open competition. Your Committee recommends that the Civil Service Commission exercise the powers conferred upon it...so that positions on the staff as can best be filled from sessional employees shall be filled by competition limited to such employees."⁽²⁾ Not satisfied with this partial victory, Beauchesne asked another committee in 1936 for the right to appoint temporary people to permanent positions after they had been on the Commons' staff for ten years. He pointed out that many men and women had been on staff on a sessional

(1) Ibid., p. 467.

(2) Ibid., p. 929.

basis for many years but did not participate in the superannuation plan or receive other fringe benefits available to permanent employees.

"If we asked the Civil Service Commission, as we are bound to do under the Act, to appoint them permanently, the Civil Service Commission would call for an examination. The Commission takes no consideration of the fact that they have been here for twenty years and does not appoint them. It appoints men from the outside in their places, and removes the service of good men ... One of those who tried the examination was a returned soldier. He did not pass. The fact that he had been here for years and had given satisfaction and we were keen on having him on the staff, had no effect on the Civil Service Commission."⁽¹⁾

Despite Beauchesne's complaints the Civil Service Commission said there was no law under which they were bound to make permanent House of Commons appointments from among the temporary House of Commons employees. Beauchesne's final challenge to the Commission came in his testimony to a Royal Commission on Administrative Classification in 1946. Again he was unsuccessful, however, the principle of parliamentary exemption from the Civil Service Act was finally recognized when a new Act was adopted in 1961.⁽²⁾ Of course the struggle to keep parliamentary staff from coming under the Public Service Commission continues. For example in 1966 the issue arose in the government's bill to grant collective bargaining and the right to strike to public employees.

(1) Canada, House of Commons, Standing Committee on Privileges and Elections, Minutes of Proceedings, No. 1 (June 18, 1936), p. 29.

(2) The Act allowed its provisions to apply to staff of either Chamber but only if that was the express wish of the House or Senate.

The Law Clerk of the House, Maurice Ollivier, argued successfully that parliamentary employees could not enjoy this advantage on the same terms as other public officials without infringing on the traditional supremacy of Parliament.⁽¹⁾

Professor James Mallory, writing in the aftermath of the pipeline debate, has suggested that in internal financial and administrative matters the House of Commons enjoys only a "fictitious autonomy" from the executive.⁽²⁾ This was probably correct at the time but the question arises as to whether the same situation exists today. It is true the Committee of Internal Economy is still limited to the Speaker and four Cabinet Ministers and proposals to allow opposition Privy Councillors to sit on it have been to no avail. However, other fairly recent developments have altered the status of the legislature and its staff vis-à-vis the executive. For one thing the independence and authority of the Speaker has been increased.⁽³⁾ A new body, the Management and Members Services Committee, has also been established. It examines the Speaker's estimates and can make recommendations on

(1) See Canada, Special Joint Committee on Employer-Employee Relations in the Public Service, Minutes of Proceedings and Evidence, No. 17, (November 8, 1966).

(2) James Mallory, "The Financial Administration of the House of Commons", Canadian Journal of Economics and Political Science, Vol. 23 (February, 1957).

(3) See Philip Laundy, "Canada's Speakership Attains Independence", The Parliamentarian, Vol. 50 (January, 1969).

organizational matters. Since its creation in 1975 the Chairman of this Committee has always been a member of the Official Opposition. Such changes do not sound like much until they are seen against the background of what existed in Beauchesne's time when from an administrative point of view the House of Commons appears to have been little more than another government department. Another place where there has been considerable change is the language question. Here too it is interesting to look at the situation from Beauchesne's perspective.

French-English Relations

As the first French-Canadian to serve as Clerk one might expect that Beauchesne placed great emphasis on parliamentary bilingualism. However, this does not seem to be the case except perhaps in recruiting but here again he kept running up against the Civil Service Commission. It is true that a Translation Bureau was established in 1934 but it came under the Commission rather than the Clerk and there is some evidence that Beauchesne was unhappy with the quality of translation.⁽¹⁾

On the other hand as Professors Hoffman and Ward have noted "the implications of parliamentary bilingualism have often reached

(1) See his dispute with Louvigny de Montigny over errors in translation of a bill. Canada, Public Archives. Meighen Papers, MG 26(I), Vol. C-3577, pp. 124045-124049.

beyond language alone into the less easily charted waters of partisan-ship, prejudice and emotion."⁽¹⁾ Beauchesne took up the fight at this level for he had always thought of himself as one who could bridge the gap between English and French-speaking Canadians. He was as likely to be found in Quebec defending Britain and English Canada as in Toronto lecturing on the legitimate political, cultural and linguistic aspirations of French Canadians. He was, of course, totally opposed to the idea of independence for Quebec not only for military and economic reasons but also because he thought a state based essentially on ethnic lines would be a backward step in the political evolution of French Canadians. Even the nationalism of Bourassa was dangerous because it played into the hands of the fanatical minority of English Canadians who were looking for excuses to deprive French Canadians of their rights. "M. Bourassa et son école sont bien coupables de propager l'anglophobie dans le Dominion ... Les nationalistes n'ont aucune prétention à la tolérance. Leur but ne semble pas tant d'obtenir le redressement de nos griefs que la satisfaction stérile d'invectiver la majorité anglo-canadienne."⁽²⁾ If Lafontaine had the courage, the tact and the tolerance to work within and turn to his advantage a constitution designed to annihilate his people surely contemporary leaders could work

(1) David Hoffman and Norman Ward, Bilingualism and Biculturalism in the Canadian House of Commons, Document Number 3 of the Royal Commission on Bilingualism and Biculturalism (Ottawa: Queen's Printer, 1970), p. 10.

(2) Arthur Beauchesne, "C'est assez d'anglophobie", La Revue Moderne (February 15, 1920), pp. 18-19.

within the British North America Act which, despite its shortcomings, was a more sympathetic document.⁽¹⁾

Beauchesne saw Confederation as a step in a series of constitutional developments whereby French Canadians passed from a military regime to representative government to responsible government to full-fledged participation in a sovereign and independent country.⁽²⁾ Of course they would always be a minority but French Canadians had a solid political base and if they were willing to work hard there were no positions in the land to which they could not aspire. "Lorsqu'un Canadien français donne des preuves de sa compétence, sa nationalité n'est pas un obstacle à son avancement."⁽³⁾ He told French Canadians not to isolate themselves individually or collectively and suggested ignorance was at the root of many prejudices they encountered. "Nos meilleurs amis sont ceux qui nous connaissent le mieux."⁽⁴⁾ Many of these views have a familiar ring as do his frequent exhortations to Canadians of both language groups to give more emphasis to the study of Canada in the schools, to organize exchanges between the two cultures and to attach more importance to symbols and celebrations such as July 1.

(1) Arthur Beauchesne, "Pourquoi l'indépendance", La Revue Moderne (June 15, 1920), pp. 15-16.

(2) Arthur Beauchesne, "Events Which Led to Confederation", Canadian Bar Review, vol. 10 (February 1932).

(3) Arthur Beauchesne, "Les Anglo-Canadiens", in Problèmes de l'heure (Quebec: La Compagnie de l'Événement, 1933), p. 30.

(4) Ibid., p. 32.

When speaking to English Canadian audiences Beauchesne tried to explain the different psychological perspective of French Canadians. Their attachment to their country went back eight or more generations. They had rejected the American Revolution and unlike many English Canadians did not look to the old world for inspiration. He also argued that the Roman Catholic Clergy had no political control over French Canadians. "Our relations with our priests are exactly the same as those of all Roman Catholics with their priests in other parts of the Dominion. We have the highest regard for clergymen of any denomination, not only because they are priests but because they are good men, educated men, who are a credit to our population."⁽¹⁾ He said the clergy like the rest of the province was divided between Liberals and Conservatives although a good many were indifferent to politics. In any case in 1896 Wilfrid Laurier carried the Province despite the opposition of most clergymen. "If our rights are threatened we French Canadians do not need to be stirred by clergymen in order to defend our cause. The priests would then follow. They would not lead. We are a population of laymen and by laymen we intend to be represented in state matters."⁽²⁾

The question of French-English relations will probably never be completely resolved in this country, however, notwithstanding

(1) Arthur Beauchesne, "The French Canadian", Proceedings of the Canadian Club of Toronto, vol. 28 (November 17, 1930), p. 101.

(2) Ibid., p. 102.

occasional complaints, the House of Commons, at least, is fast becoming the type of model bilingual institution envisaged by even the most idealistic proponents of national unity. This is not attributable only to the Official Language Act or other policies of recent Administrations. Some credit must also go to earlier parliamentary officials such as Beauchesne who tried to fulfil the spirit as well as the letter of section 133 of the British North America Act insofar as it applies to the House of Commons.

The Constitution

Throughout his career Beauchesne engaged in public debate on issues which would seem to belong more properly to elected members. One such issue was the perennial Canadian dilemma of amending the constitution. In 1935 Beauchesne was one of seven distinguished witnesses called to testify before a Special Parliamentary Committee on the British North America Act.⁽¹⁾ While other witnesses suggested setting up Royal Commissions, convening Dominion-Provincial Conferences or adopting specific amending procedures Beauchesne said the act should simply be scrapped. "The time has come, in my humble opinion, when the British North America Act, except as to minority rights, should be

(1) The other witnesses were O.D. Skelton, Under Secretary of State for External Affairs; W.S. Edwards, Deputy Minister of Justice; Maurice Ollivier, Law Clerk of the House of Commons; and Professors Frank Scott, Norman McLeod Rogers and W.P.M. Kennedy.

transformed and a new constitution more in conformity with present conditions should be adopted. Amendments here and there would be mere patchwork which could not last. The people of 1935 are different from those of 1876. What we want is a new constitution."⁽¹⁾ The creation of a new constitution would be entrusted to an independent body composed of all elements of the nation. "I submit that a Constituent Assembly, chosen by the provincial legislatures and by the House of Commons, representing the main political parties and groups in proportion to the votes given at the last general elections, should meet ... and discuss the constitution from all its angles."⁽²⁾ The debate should be public for he felt intergovernmental conferences behind closed doors would never satisfy public opinion.

After referring to American and French experience with constituent assemblies Beauchesne suggested that in the case of Canada the federal and provincial Prime Ministers and Leaders of the Opposition would form an executive committee to organize the agenda but "there ought to be no government side and no official opposition in such a body."⁽³⁾ The members would take up systematically every constitutional question that has been discussed over the past few

(1) Canada, House of Commons, Special Committee on the British North America Act, Proceedings and Evidence and Report (Ottawa: King's Printer, 1935), p. 126.

(2) Ibid., p. 126.

(3) Ibid., p. 128.

decades. "For instance, the questions of reducing the number of provinces, the electing of senators, the question of fisheries, the Companies Act, insurance law, the radio, etc., could all then be considered."⁽¹⁾ Decisions would be taken by a majority vote of the constituent assembly but before a new constitution could come into force it would have to be approved by the Dominion and each province as well as by Great Britain.

Perhaps his most surprising statement came in response to a question from Ernest Lapointe about the relative powers Beauchesne envisaged for the federal and provincial governments in a new constitution.

"It is not absolutely necessary that the same powers be given to each province. Suppose you have a province, for instance, in the west, which claims that it cannot afford to manage all its social legislation. What prevents it from giving part of it to the Dominion, provided there is some compensation given for it. If the Dominion manages some of the province's affairs it should get revenue or should be compensated for it. But I think these things should be settled by each province and each province should be an independent country with power to do whatever it pleases. And I would have no appeal, no veto, and no remedial appeal, none of all that misery we have had here since Confederation; and each province would own its own courts."⁽²⁾

The Committee eventually decided not to make any specific recommendation but urged the holding of a Dominion-Provincial

(1) Ibid., p. 129.

(2) Ibid., p. 134.

Conference on the subject. Parliament was dissolved and the Conservatives were defeated before any action was taken on the matter but for many years the "Beauchesne plan" was raised in the House of Commons, particularly by Social Credit member Walter Kuhl.⁽¹⁾ The idea of a constituent assembly is still suggested from time to time, most recently by Professor Léon Dion in a submission to another parliamentary committee on the constitution.⁽²⁾

The interesting point here is not the substance of Beauchesne's views on the constitution but his assumption that parliamentary staff could participate in the discussion of public issues. He saw a role for himself beyond the provision of information and services to individual members or committees. For example in 1933 Beauchesne was President of the National Council of Education which sponsored free lectures by nationally known authorities. In this capacity he wrote to Mackenzie King asking him to become one of a hundred sustaining members at a minimum annual cost of ten dollars. King said he was reluctant to take on too many such continuing obligations. Beauchesne replied;

"I realize that you must be annoyed by requests for subscriptions and I do not want to be importunate but the Council would be grateful if instead of making an annual donation, you would kindly give a small luncheon or dinner during the year to any one of our visitors whom you would like to meet.

(1) See for example Canada, House of Commons, Debates, February 10, 1938, pp. 346-347; March 9, 1939, p. 1180; May 3, 1939, pp. 3518-3520; July 3, 1944, pp. 4476-4477; November 9, 1944, pp. 1944-1945; and June 20, 1946, pp. 2665-2666.

(2) See Canada, Senate, Special Committee on the Constitution, Proceedings, No. 8 (September 1978), pp. 14-15.

This kind of cooperation would be more appreciated than a monetary contribution. Some of these lecturers are well known intellectuals and I am sure you would be delighted to meet them." (1)

Conclusion

Beginning from the assumption that a sound knowledge of our parliamentary history is necessary to fully understand the present state of legislator-staff relations this paper has examined the career of Arthur Beauchesne who was Clerk of the House longer than anyone in Canadian history. It was shown that the Clerk is probably the most important permanent official in the parliamentary community and one who enjoys a unique vantage point for the observation of parliamentary and political affairs.

Nevertheless on the basis of this case study it is tempting to conclude by suggesting that staff, while necessary for the efficient operation of Parliament, are not particularly influential at the level of policy or even ideas. For example, Beauchesne's position as Clerk might have kept him from being an influential adviser on important political decisions such as Meighen's decision to accept the Governor General's invitation to form a Government in 1926. His views on the constitution, French-English relations and the need to establish

(1) Canada, Public Archives. King Papers, MG/26/J3/vol. 11. Beauchesne to King, December 6, 1933.

Parliament's independence from the Civil Service Commission had little impact in his own time. It can even be argued that despite Beauchesne's incomparable knowledge of procedure no major reforms were undertaken during his thirty-three years at the Table.

If a person of Beauchesne's stature lacked influence can today's vastly expanded parliamentary staff be justified? The answer lies in a fundamental change in the nature of government. As long as government had a limited view of its own role it was unnecessary for Parliament to act as a serious check on the executive. But as governments began legislating and regulating in more and more areas Parliament came to be regarded as a rubber stamp, a process which reached its logical conclusion in the pipeline debate of 1956. Since then numerous changes and reforms have been introduced to increase Parliament's ability to check the executive. One of these changes has been to increase the staff support for parliamentarians. Today staff is required not only to keep the institution running but also to help members, from all parties, carry out their responsibilities including the difficult task of trying to limit the executive. In such a situation the role of the Clerk and others who work for Parliament is quite different from Beauchesne's time. One of the great virtues of the parliamentary system is its adaptability. Yet discussion of staff-legislator relations today ought to be carried on in the knowledge of what went before. Otherwise we risk losing sight of that other great parliamentary virtue -- continuity.