

# LIFE OF BEAUCHESNE

## *IV Beauchesne and Duplessis*

Gary Levy



*Arthur Beauchesne resigned as Clerk of the House of Commons in 1949 at age 73. Despite his age he was not ready for retirement. The last decade of his life was marked by the same energy and enthusiasm for public affairs that had characterized his earlier years. He ran for the House of Commons in 1953, wrote a new book on procedure at meetings, revised his book on rules of the House of Commons and played a leading role in establishment of an Ottawa Branch of the English Speaking Union. Perhaps his most unusual activity was acting as advisor to Maurice Duplessis, Premier of Quebec, in constitutional negotiations with Ottawa.*

In 1936 Maurice Duplessis became Premier of Quebec. Originally a Conservative, Duplessis had formed a coalition (known as the Union Nationale) with dissident Liberals led by Paul Gouin. Duplessis soon out manoeuvred Gouin to take complete charge of the party and served as Premier of Quebec (except for one term during the war) until his death in 1959. Duplessis based his party on strong advocacy of provincial autonomy. He was known for questionable, but highly successful, electoral tactics and a restrictive approach to the rights of communists and Jehovah Witnesses. Legislation directed against them was eventually declared unconstitutional by the Supreme Court of Canada.

Beauchesne, who never hid his affection for the Conservative Party, had always been a great admirer of Duplessis. During the 1930s and 1940s he sent flattering letters inviting the Premier to address the Canadian Club or other organizations to which Beauchesne belonged. Duplessis invariably pleaded previous commitments. In 1939 Beauchesne sent the Premier a letter praising his political acumen and the dexterity with which Duplessis disposed of his opponents. Beauchesne included a clipping from the *New York Times* noting that the Milwaukee City Council had passed a law giving themselves the power to revoke licences and close restaurants which allowed meetings of secret societies. "I hope you cite this case someday when your government is being accused of limiting the freedom of its citizens. It occurred, not in Quebec City, but in one of the great cities of the

American Republic. So the 'padlock' is used in the United States!"<sup>1</sup>

As long as Beauchesne was a federal civil servant he could only admire Duplessis from afar but the situation changed in August 1949 when Prime Minister Louis St. Laurent announced the appointment of Léon Raymond to succeed Beauchesne as Clerk of the House of Commons. Raymond resigned his seat in the House to accept the position.

Although his retirement has been pending for some time Beauchesne was not prepared to become a man of leisure. He set up his office at his residence on Laurier Avenue and began looking for ways to keep himself busy. In 1949 Prime Minister St. Laurent was anxious to secure an amendment to the constitution making old age pensions universal and bringing them under federal rather than provincial responsibility. The proposal was agreed to at a federal-provincial conference in December 1949. The success of this meeting encouraged the federal government to seek provincial agreement in other areas, including the old problem of finding an acceptable formula for amending the constitution.

Beauchesne had often acted as an advisor to federal delegations on constitutional matters. He immediately offered his services as a consultant to the federal government. The Minister of Justice and former Premier of Manitoba, Stuart Garson, informed him that he had already hired Judge J.H. Lindall of Winnipeg to act in this capacity.

Following this rejection Beauchesne wrote a long letter to Duplessis, warning him of the centralist designs of the federal government and offering to act as a "special agent" to keep Quebec informed of any developments in Ottawa which could affect the upcoming constitutional negotiations. Beauchesne said

Note: Some quotes have been translated or summarized. For the original French text see this issue of the *Revue parlementaire canadienne*.



*Delegates to the Federal-Provincial Constitutional Conference, Quebec City, September 1950. L. to R., D.L. Campbell; Angus L. MacDonald; Leslie Frost; Governor General Alexander of Tunis; Louis St. Laurent; Maurice Duplessis; and John McNair. Back row, Joey Smallwood; T.C. Douglas; Bryon Johnson; Walter Jones; and Ernest Manning. (PA116784)*

he was familiar with the ideas of the Deputy Minister of Justice, F.P. Varcoe, who would have a key role in the negotiations.

As you are no doubt aware, there is a school of thought that favours legislative union. Had it not been for your staunchly-held attitude, the government in Ottawa would long ago have reduced the provinces to the status of municipalities. Without you to champion autonomy the premiers of the other provinces, all of them English speaking and with nothing either to protect or to lose, would long since have made concessions; and the MPs who represent Quebec in the House of Commons do not see the precipice to which they are being led by the domination of political hacks who have never understood our traditions.<sup>2</sup>

In return for information and consulting services Beauchesne asked for a retainer of \$12,000 per year.

The idea was accepted by Duplessis although the contract agreed to was for only \$4,000 covering the period from May to November 1950. Beauchesne would also have to share the advisory role with Sir Mathias Tellier the 89 year old former provincial Conservative Leader and Chief Justice of Quebec. Beauchesne said it would be an honour to work with Tellier who had been party leader when Beauchesne ran for the Conservatives in 1912.

Now committed to working for Duplessis, Beauchesne thought he could still make Ottawa pay some of his expenses. The Justice Department had translated a memorandum on the constitution he had sent to Garson when looking for a federal contract. Beauchesne now requested payment for use of this material.

I am greatly honoured by being asked to co-operate with that Committee but I cannot see why I should do so without remuneration. As your Department is now using my work, I submit that I should be paid for it. I need not insist on the fact that I have as much right to be paid as the members of the above mentioned Committee. The monograph is worth at least \$100.00. Trusting in your well known sense of fair play.<sup>3</sup>

Garson replied that the monograph was borrowed under a personal arrangement by Judge Lindall who then requested that it be translated for him. "This was done by the Translation Bureau and a copy of the translation was sent to the Judge and another retained here. No use has been made of this monograph and if you wish, the copy of the translation will be returned to you."<sup>4</sup>

Beauchesne sent a copy of Garson's reply to Duplessis with a list of the civil servants working for Varcoe on the government's constitutional position: E.A. Dreidger of the Department of Justice; Norman Robertson, Clerk of the Privy Council; A.M. Hill, Deputy Clerk of the Privy Council; Charles Stein, Under Secretary of State and Maurice Ollivier, Parliamentary Counsel of the House of Commons. He added some comments on the strengths and weaknesses of each.

Beauchesne accompanied Duplessis to the premiers' conference in Quebec City on September 26-28, 1950 when the amendment issue was discussed. He also attended the conference of Attorneys-General in Ottawa on November 23-24. They were to come up with draft proposals to be considered when the premiers' resumed discussion of the constitution at the end of their fiscal conference in Ottawa on December 4.



Maurice Duplessis during the 1952 election campaign. (PA115821)

During the next few months Beauchesne worked diligently preparing memoranda for Duplessis on a variety of constitutional and political issues. In most of them he argued that the federal government was determined to trample the rights of the provinces. For example he said an *Act Respecting Materials and Services for the Purpose of Defence and National Security*, adopted on September 15, gave the cabinet virtually total control over a number of areas which, in peace time, belonged exclusively to the provinces.

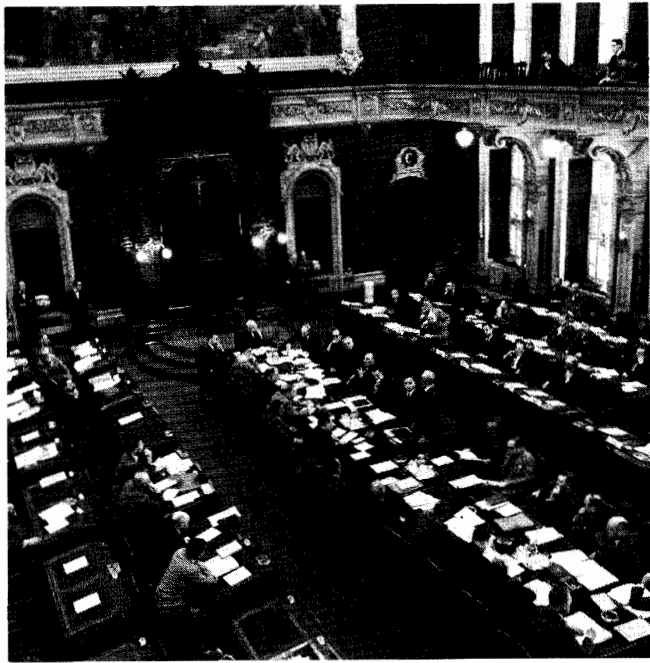
The only reason given for allowing Mr. Howe, the Minister of Trade, to make off with the civil rights of the provinces, is that Canada has approved the obligations imposed by the Charter of the United Nations and that we must act in consequence to preserve national security and come to the UN's assistance. During the debate the ministers refused flatly to say there was a national crisis or emergency occurring.

The act does not specify our obligations, nor that we are in a state of war. It simply authorizes the minister, in peace-time, to take over

matters and substances that according to the Governor in Council are indispensable for defence purposes.<sup>6</sup>

Another memorandum dealt with the amendment of the constitution. Any amending formula, he argued, should recognize that the constitution is essentially a treaty among the provinces. He submitted his own draft version in which:

The federal government's initiative would be completely done away with and replaced by that of the attorneys general: the Minister of Justice would have only one vote and thus not be superior to the rest, which is important. The proposed amendment could not be altered by the government in Ottawa before it had been introduced in the House of Commons; furthermore, not only would there be the vote by the two federal Houses to be considered, there would also be that of two-thirds of the legislatures. Under this system, constitutional amendments would differ markedly from ordinary legislation, and the party in power in Ottawa would have its hands tied. It could not indulge in politicking or francophobia as the fancy took it.<sup>7</sup>



The 1950 Federal-Provincial Constitutional Conference in session. (PA116783)

He also suggested some symbolic amendments to eliminate colonial terms such as "Governor General" and "Lieutenant Governor" from the constitution. He claimed they should be replaced by Chief of State and Governor respectively. The word province also had to go.

In 1867 we were a colony, and like all the colonies we were governed by a ministry in England which had control of everything we did. This is no longer so, and we now have a population of 14,000,000. The word "province" no longer applies to the Canadian provinces. Besides, the term implies a certain degree of inferiority. The French Academy's dictionary says that a person is a "provincial" when he has not yet acquired the style, the manners, the speech, of those who live in the big city. Let us stop being provincial. The word "state" is much more fitting. A state with 4,000,000 inhabitants is not a province.<sup>8</sup>

After his original agreement with Duplessis expired Beausnesne continued to send in reports on constitutional and other matters. On February 20, 1951, he sent a copy of constitutional amendments proposed by the federal government along with his comments on each clause. In April of that year a Royal Commission on Transportation (Turgeon Commission) presented its report. Beausnesne prepared a summary arguing that the report was setting the groundwork for a complete centralization of transportation, particularly by road, which had always been a matter of exclusive provincial jurisdiction. "A study of the Commission's conclusions will give you proof of Ottawa's intention to centralize."<sup>9</sup>

In September 1951 Beausnesne provided a critique of the Massey Report on the Arts and Sciences which he saw as further federal intrusion into areas of provincial jurisdiction. He added a

memorandum for Duplessis to use against the Leader of the Opposition in Quebec, Georges E. Lapalme who had been criticizing Beausnesne's role as advisor to the Quebec government. He called Lapalme a puppet of St. Laurent and an upstart on the Quebec political scene who had made virtually no impact during his years in the House of Commons.

Mr. Lapalme had no understanding at all of his duties as a federal MP. He did not seem to have understood our constitution or to have grasped how much influence for the public good an energetic MP could exert in the nation's parliament. To entrust the government of Quebec to such a man would be not only absurd but dangerous.<sup>10</sup>

Beausnesne's work for Duplessis made him *persona non grata* in certain circles in Ottawa. He cared little what most Liberals thought of him although he felt it necessary to justify his work for Duplessis to a few old friends like Gaspard Fauteux, former Speaker of the House of Commons. In a letter inquiring about Fauteux's absence from a testimonial dinner for Beausnesne, the former Clerk said his work for Duplessis was nothing more than the usual duties of a lawyer on behalf of a client.

My position as constitutional advisor to the government of Quebec had no more political significance than my appointment as Clerk of the House of Commons by Mackenzie King in 1925.... I will do my duty in Quebec as I have always done it here.<sup>11</sup>

## Notes

<sup>1</sup>Public Archives of Canada, *Beausnesne Papers*, Beausnesne to Duplessis, April 24, 1939. The letter must be seen in the context of one written a few days later asking if Duplessis could find a job for his brother who had recently been fired by the Mayor of Montreal. "I do not enjoy making such a request, but I am taking the liberty of doing so in the hope that one day I may be able to be of use to you, *Ibid.* May 9, 1939. The Premier was defeated a few months later and Beausnesne could only write to his brother that Duplessis has fooled me as he has disappointed all my friends, *Ibid.*, Beausnesne to Clovis Beausnesne, November 14, 1939.

<sup>2</sup>*Ibid.*, Beausnesne to Duplessis, January 24, 1950.

<sup>3</sup>*Ibid.*, Beausnesne to Garson, April 11, 1950.

<sup>4</sup>*Ibid.*, Garson to Beausnesne, April 21, 1950.

<sup>5</sup>Beausnesne missed most of these discussions when he fell off a table during a picture taking ceremony in the Railway Committee room and had to be rushed to hospital.

<sup>6</sup>*Ibid.*, Beausnesne to Duplessis, September 14, 1950.

<sup>7</sup>*Ibid.*, November 15, 1950.

<sup>8</sup>*Ibid.*, November 8, 1950.

<sup>9</sup>*Ibid.*, April 11, 1951.

<sup>10</sup>*Ibid.*, September 17, 1951.

<sup>11</sup>*Ibid.*, Beausnesne to Gaspard Fauteux, July 4, 1950.