

## Officers of the Legislature, the discussion continues

(Editor's note: In this issue we continue to explore the roles and mandates of the three principal officers of the legislative assembly - the speaker, the clerk and the sergent-at-arms. In March, we focused on the role of the speaker and I want to thank former speaker Joan Sawicki for continuing that discussion in this issue on Page 15.)

In his 2007 essay *Parliamentary History*, former BC Legislature clerk George MacMinn wrote: "The Westminster model of parliamentary government took hundreds of years to evolve. It ensures that the will of the majority prevails, but gives the minority the right to be heard. It also secures the right of elected representatives to review the administrative decisions of the elected government. Today, we may take these elements of the parliamentary process for granted, but as history shows, it was achieved through centuries of conflict and consideration."

Here is MacMinn's article (edited for space):

The clerk of the house is the senior permanent officer of the legislative assembly. He or she is assisted by a deputy clerk and clerks assistant. The clerk, deputy clerk and the clerks assistant are the procedural and legal experts of the house and its committees. The first clerk of the British Columbia Legislative Assembly was Charles Good, appointed in 1872.

During sittings of the house, the clerk, deputy clerk and one of the clerks assistants sit at the clerks' table on the floor of the house. Like the speaker, they wear formal court attire, including a black robe, wing collar and white tabs. Strategically situated between the government and opposition sides of the house, the clerks' table has been compared to the best box seat in a theatre. Watching house proceedings may well be entertaining, but while at the clerks' table, the clerk and clerks assistant have much to do.

The clerk's primary function is to serve as the principal adviser to the house on the privileges, procedures and practices of parliament. Like the speaker, the clerk is non-partisan. The clerk is at the service of the legislative assembly and all MLAs, regardless of party affiliation. The clerk hears, advises and counsels all members with utter objectivity and impartiality. Any advice the clerk gives, to the speaker or other presiding officers, is offered to assist in the effective and smooth functioning of the house.



*Photo courtesy of John Yanyshyn / Visions West Photography*

**Her Honour**

**The Honourable Janet Austin, OBC**

Lieutenant-Governor of British Columbia

# Thank You and Miscellany

*Orders of the Day* is published regularly throughout the year, and is circulated to Association members, all MLAs now serving in Legislature, other interested individuals and organizations.

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## From the Editor's Desk

In this issue, the name "SNC-Lavalin" pops up more than once.

If my old friend and *Vancouver Sun* colleague Marjorie Nicols were here today, she'd say: "Anyone with the brains God gave a goose would know this is headline news."

On these pages, Tex Enemark makes reference to the Montreal engineering mega-corporation in his final cautionary dispatch about the power vested in the PMO. Pat Carney highlights the affair as she makes the case for the rule of law in government. And, Jim Hume summons the spectre of SNC-Lavalin as he debates the media's right to know versus the public interest.

The SNC-Lavalin debacle – a lance in the careers of two senior cabinet ministers and another two super-bureaucrats – is all about parliamentary process and integrity.

Back here in BC, the ongoing investigation of management processes in our legislative precinct may not rise to the spectacle of SNC-Lavalin, but it is just as critical to the process of renewing governmental accountability.

This issue of OOTD and the one before it are largely devoted to an examination of the roles and responsibilities of the legislature's senior management. My approach has been primarily academic for obvious reasons. Regardless, there is lots of latitude for reader participation in the debate, and I am grateful for the leadership Joan Sawicki has demonstrated in that regard. I hope more of you will follow her lead in future issues.

Former MLAs have so much to offer in the discussion of parliamentary efficacy, and there is no better place for that discussion to unfold than on the pages of this newsletter.

We have been losing valued friends at an alarming rate over the winter. In this issue we pay tribute to May Brown and Tex Enemark. As we were going to press Sandra Enemark let us know that a celebration of Tex's life will be held at the Croatian Cultural Centre in Vancouver June 11th at 3:30 p.m.

*The Association of Former MLAs of British Columbia is strictly non-partisan, regardless of members' past or present political affiliation. Founded in 1987, the Association was formally established by an Act of the British Columbia Legislature on February 10, 1998.*

*Orders of the Day was conceived, named and produced in its early stages by Bob McClelland, former MLA and cabinet minister, following his retirement from office. Hugh Curtis ably helmed this publication up through May 2014.*

# President's Report

*"The Writ is Dropped; Alberta Goes to the Polls."*

At the time I write this, our neighbours to the east have just called their provincial election. As former MLAs, we know this as a time of anticipation, late night campaign meetings, endless door knocking, all-candidates debates, and boundless optimism.

It is also one of the best times for communities to engage in public policy discussions of issues relevant to their particular interests. I certainly enjoyed the lively discussions on the doorstep, coffee shops and town halls. Most people go into public life to make things better for their community, and elections help connect candidates to their community, one conversation at a time.

Being a candidate for office is a special time, win or lose. It is a unique experience that only a small portion of us have shared. The same goes with being a former MLA.

To that end, I encourage all former MLAs to renew their membership to the association. We share a common bond across party lines and generations. Staying connected after our time of service has value. I also ask each of us as former Members of the Legislative Assembly to encourage at least one of your former colleagues who has not joined or renewed to do so. Our strength is our members, and membership has value in our collective fellowship and experience.

Happy spring!!



Jeff Bray, President, AFMLABC

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## The Clerk - poised to share procedural wisdom



George MacMinn

While sitting at the clerks' table, the clerk listens carefully to the debate, as he or she may be called upon to give immediate advice to the chair or others regarding a procedural or technical matter. Any MLA can ask the clerk for advice during proceedings – perhaps in relation to a point of order they wish to

make, or a motion they wish to move. The clerk, deputy clerk and clerks assistant don't just offer day-to-day procedural advice while at the clerks' table. They attend daily briefings to help the speaker and other presiding officers prepare for each sitting and discuss any foreseeable points of procedural difficulty.

A considerable amount of time is spent on this behind-the-scenes work. The clerk, deputy clerk and clerks assistant are the only non-MLAs to have a speaking role in the proceedings of the house. They announce each item of routine business to be considered during the day's sitting and read aloud the names of each bill passed by the legislative assembly prior to the Lieutenant Governor of British Columbia granting Royal Assent. As the day's sitting unfolds, the clerk, deputy clerk and clerks assistant enter the decisions and actions of the house into minute books for publication in the Votes and Proceedings (essentially, the minutes of the house), which are eventually compiled as the annual journals of the house.

Unlike the Hansard record, which is a verbatim transcript, the journals record the decisions, and business items completed by the house, not every word said during a sitting. The clerk, deputy clerk and clerks assistant also oversee the taking of votes, known as divisions, and report the results in the Votes and Proceedings. The office of the clerk also compiles another publication for each sitting day, the Orders of the Day. This document is essentially the agenda of the house. For each sitting, staff in the office of the clerk list all items of business eligible to be called by the government house leader.

The clerk is the official custodian of all house records and any official documents deposited with the house, such as legislation at its various stages, petitions and reports. The clerk ensures that these documents are complete, appropriately presented and considered by the house, and then safely archived. Archiving is central to the openness and transparency of the legislative assembly and allows for public access to the documents.

Another of the clerk's duties is to assist the speaker in the administration of the house by providing financial, committee, library, Hansard, computer, educational, human resource, dining and security services. The clerk is responsible for providing services to the speaker and MLAs, and administers the work of staff members on behalf of the speaker, in much the same way that a deputy minister of government manages a department for a minister.

The office of the clerk of the house has its origins in the early English parliament. Then, the term "clerk" signified a person who could read and write – uncommon skills at the time – and that person's role was to record parliamentary proceedings. The first reference to a clerk of the British House of Commons occurs around 1363.

One of the best-known clerks, clerk assistant John Rushworth, was appointed to the British House some 300 years later. It is thanks to Rushworth that we have a record of one very significant moment in parliamentary history. January 4, 1642, was the day King Charles I arrived at the House of Commons determined to arrest five of its members. Their crime was sponsoring a petition critical of the king. Charles and his soldiers strode into the chamber and up to the speaker's chair. Standing before the chair, King Charles I said, "By your leave, Mr. Speaker, I must borrow your chair a little," and called out the five names. He was met with a stunned silence. The five members he called had been warned and had slipped out the back door prior to his arrival. King Charles turned to the speaker and demanded to know their whereabouts. The speaker went down in history for replying, "May it please Your Majesty, I have neither eyes to see nor tongue to speak in this place, but as the house is pleased to direct of me, whose servant I am. And I humbly beg Your Majesty's pardon that I cannot give any other answer than this."

It was the first direct and public rebuke to the king, and an assertion of parliament's right to meet independently and without interference from the crown. King Charles stood down. He remarked, "I see the birds have flown!" and left the chamber amidst angry calls of "privilege" by the members. It was clear to all that King Charles I had violated one of the fundamental principles of parliament. The words of the king and the speaker during this famous episode would have been lost in history had it not been for John Rushworth. As clerk assistant, he diligently recorded the famous exchange for the journals of the house, as apparently, the clerk of the house had been immobilized with fear.

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# Kevin Vickers redefined Sergeant-at-Arms

In Canada, the role of sergeant-at-arms has historically been viewed as largely ceremonial with the office holder's principal duty being to carry the ceremonial gold mace into the House of Commons before every sitting.

That all changed on October 22, 2014, when Sergeant-at-Arms Kevin Vickers – a retired RCMP chief superintendent – played a critical role ending a lone gunman's attack on Parliament Hill. Alongside RCMP Constable Curtis Barrett, Vickers returned heavy fire at gunman Zehaf-Bibeau. Minutes earlier, Zehaf-Bibeau had killed Corporal Nathan Cirillo, a soldier on ceremonial sentry duty at the Canadian National War Memorial, and shot a constable at the Peace Tower entrance.

Vickers became an overnight platinum Canadian hero and was presented with the Star of Courage, along with six others involved in bringing the incident under control. No one argued with his career reward; Vickers was appointed the Canadian Ambassador to Ireland in January 2015. He retired from the post in March 2019 and is running for the leadership of the New Brunswick Liberal Party.

He was the ninth sergeant-at-arms of the House of Commons. René Jalbert, Sergeant-at-Arms of the National Assembly of Quebec in 1984, is also celebrated for his role in ending Denis Lortie's killing spree in the Quebec Parliament Building in May of that year by offering himself up as a hostage and negotiating with the shooter for four hours.

The sergeant-at-arms is the senior official of the House of Commons of Canada, appointed by the governor general acting on the advice of the federal cabinet. In this role, the sergeant-at-arms is responsible for building services and security of the House of Commons.

There's some debate over how Commonwealth parliaments got their sergeants-at-arms. One theory holds that the appointment was a scheme concocted by the king to extend his power over the legislature. Another suggests that the officer was requested so that the legislators could enforce parliamentary privilege and have the sergeant exercise royal authority through the instructions of the speaker. Yet another says that since the British parliament met at the king's palace at Westminster, in its early days, his majesty originally loaned some sergeants out as door-keepers to the parliamentary meetings.



*Sergeant-at-Arms Kevin Vickers*

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The position of sergeant-at-arms traces its roots back to the Roman Empire, where senior officers of state chose 12 patricians to act as bodyguards and serve police functions. These men had very few limits on their powers to arrest or use violence; they answered to no legal authority but their own master.

King Phillip II of France borrowed this idea and formed a small, special corps of men, armed with decorated battle maces, to guard him when he travelled the Holy Land during the Crusades. The notion of a small cadre of police/guards found its way from France to England, via the Norman lords, as did the French name for the guards, *sergent*, from the Latin *servientum* ("one who serves").

In 1279, King Edward I of England formed a group of 20 men to act as the first royal bodyguard in England, anglicizing the French *sergent* and naming them the sergeants-at-arms. The sergeants served various other functions for their king and counted among their responsibilities the arrest of traitors and the collection of debts.

# Women in government ... it needs some work

By Amanda Bittner  
Writing for *Policy Options*

Parliament in the United Kingdom recently passed legislation allowing MPs caring for new babies to nominate a colleague to vote on their behalf. This “baby leave” law, now in a trial phase, is modernizing the UK Parliament, bringing it closer to norms in “regular” workplaces throughout the country. The changes should be of particular interest to parliamentarians in Canada and elsewhere, where the existing regulations in their legislatures might dissuade many people – particular women – from running for public office.

The UK baby leave law has the effect of acknowledging that a legislature is a workplace, that politicians working there can also be parents, and that we must find ways to allow MPs to take care of their families and do their jobs, while enjoying the same work-life balance opportunities and labour protections as most other citizens. It’s clear that this new law means that people who might not have considered a career in politics due to family obligations may now see it as a viable possibility.

It also means that legislatures could, potentially, include those who are not always heard – including young parents and people who care for elderly or disabled relatives. This broadened presence in the legislature is necessary for several reasons, but I will focus here on two. First, as a basic democratic principle, legislatures ought to be inclusive and reflect the composition of society. Second, caregivers of all types often have policy-relevant insights that should be integrated into legislative discussions and debates. Without the voices of those who have experience doing this work, how can we know what policies and programs are missing, what works well and what does not?

It’s important to remember that caregiving is highly gendered work. While contemporary Canadian society has evolved so that men are increasingly responsible for sharing in the care of their children and other family members, the bulk of caregiving activity is still performed by women. Therefore, when policies and regulations make it difficult for parents to consider a political career, this disproportionately affects women, and it means that our legislatures continue to be dominated by men.

Today, women hold an average of 24 per cent of seats in legislatures (lower houses) around the world, with substantial variation across countries. Canada ranks 59th in the world, with almost 27 per cent of its legislative seats held by women, while Rwanda leads the pack with 61 per cent of seats held by women.

(British Columbia's legislative assembly has the highest female share in Canada with 38 per cent.)



*In 2001, then-education minister and deputy premier Christy Clark answered questions in a reporters' scrum at the Legislature while holding her one-month-old son Hamish.*

Women with children make up about 66 per cent of the workforce among member countries in the Organisation for Economic Co-operation and Development (OECD), with mothers more likely to work than women without children.

Working and having children is a normal part of life for both women and men around the world, and the presence of mothers in the workforce has led to important changes in the politics of work and labour, as people have demanded regulations that allow them to do their job and take care of their families. Similarly, the presence of mothers in legislatures has the potential to transform the way that legislatures work. Yet, until we make more progress in reducing barriers, we are unlikely to see more women (including mothers) take their legislative seats.

One of the most significant barriers holding women back from a political life is the cost and accessibility of childcare. But it doesn't have to be this way. The legislature of the State of California, for example, is considering a bill that would make childcare an allowable campaign expense. You may ask why this isn't already so. After all, how can a parent run a campaign, canvass neighbourhoods, attend town hall and other meetings, or visit with constituents without adequate childcare? For the most part, this has not been possible. Traditionally, candidates were men, many of whom had children but were not the parent responsible for childcare. Instead, these men usually had wives who took care of their children – in addition to other tasks to assist their politician-husbands.

In recent research by Melanee Thomas and Lisa Lambert, an MP told them that it is generally taken for granted that the political wife's role is "part of the business of being an MP," in which she takes on a large proportion of constituency work. No women MPs reported that their spouses took on such a supporting role.

In Canada, caregiver costs – whether for a child or another individual for whom the candidate normally provides care – during a campaign are considered an allowable personal expense under the Canada Elections Act, and personal expenses do not count towards election-expense limits. In provincial elections, however, the regulations are not as straightforward, and provinces vary in their policies surrounding coverage for childcare during campaigns.

Laws in Alberta, British Columbia, Manitoba, and Ontario classify childcare costs as eligible campaign expenses, while the election laws of other provinces include either partial coverage (Nova Scotia and Quebec) or do not explicitly mention childcare as an eligible expense. Potential candidates (usually mothers) who are neither independently wealthy nor have a partner who takes care of the kids wind up taking themselves out of the running. Eliminating the childcare barrier makes it likely that more women will hold seats in legislatures since we know that when women run, they win.

At its core, this is an issue of basic justice: Women belong in the House of Commons because they are citizens and their voices should be heard in our political institutions. The presence of women in legislatures has also been shown to lead to more legislation about issues important to women, the integration of women's perspectives into legislative deliberations, and – recently in the Canadian context – better population health outcomes.

The voices of women clearly are essential in parliament, and we should take seriously the value of removing barriers (like childcare concerns) to make it easier for women to consider political careers.

The lack of diversity in our institutions is increasingly in the spotlight. The #MeToo movement, the critiques of #AllMalePanels, and even the controversy over Prime Minister Justin Trudeau's retort on why it's time for gender parity ("because it's 2015") indicate that #TimesUp on control over governance by and for older white men.

Furthermore, it's not enough to tell women to simply "lean in," and participate in politics, because the way politics works right now throws up significant barriers to their ability to actually do the job. In a "regular" workplace,

finding work-life balance can be less of an issue for working parents because of labour laws that support parental leaves, flex-time, and early childhood education (and, in some jurisdictions, state-funded childcare.)

Ultimately, if we want more diversity in the legislative workplace, we need to acknowledge the many barriers to women in politics, and seriously rethink the way that politics works.

**(Amanda Bittner is an associate professor of political science and Director of the Gender and Politics Laboratory at Memorial University. Her study draws on data from the Inter-Parliamentary Union. *Policy Options* is a Montreal-based digital magazine published by the Institute for Research on Public Policy and edited by Jennifer Ditchburn who spent more than two decades as a national reporter, working for CP and CBC. This piece ran in March.)**



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# Why our rule of law is a thing to cherish

By Pat Carney

Canadians cherish the rule of law. We write those laws ourselves or amend the ones we inherit. That's what lawmakers do – the MPs and senators, MLAs and councillors whom we elect to govern.

Laws must be clear to be accepted by Canadians. That is why a vague clause in the bulky 2018 Liberal budget that changed the Criminal Code to address "corporate integrity" and gave the Montreal company SNC-Lavalin a path to avoid criminal prosecution, has offended so many Canadians.

Sometimes one wrong word in a law can lead to generations of unintended misery and unfairness. That's what happened when, as a new MP in the 1980s, I joined 15 other women MPs voting across party lines to amend the Indian Act to help equalize the rights of Indigenous men and women.

At the time, non-Indigenous women who married status Indian men assumed Indian status, but Indigenous women who married "off reserve" lost their status – and their benefits. So did their children. Those rights included access to medical care and education.

But we made a mistake in redrafting the law, limiting the restoration of rights to women and their "children." As written, their grandchildren might not qualify unless their fathers were deemed status Indian, leading to the infamous "cut-off" rules in the application of the law and benefits to many Indigenous kids.

A bill becomes law when it is voted on and passed, but a single vote can defeat a bill. That happened in 1991 when the Conservative government's Bill C-43, to limit women's abortion rights, was sent to the Senate to be voted on.

I found the bill so flawed it could not be enforced. It would limit legal abortions to the first three months of a woman's pregnancy. I knew from my own experience sometimes a woman can't be aware of her pregnancy that precisely.

Lawmakers shouldn't pass bad laws. I could not support the bill.

The Red Chamber was thick with tension when the vote was taken. When the "nays" were called, I was the first Conservative senator to stand and vote against my government's bill. My ears were ringing

with threats of retaliation from then Justice Minister Kim Campbell and other government leaders. It would have been so much easier to remain in my seat and abstain.

The clerk reported the vote was tied, and the Speaker declared the bill dead. No bill to limit abortion has been passed in Parliament since.

Sometimes proposed laws have unintended consequences. That happened with a bill to designate and preserve heritage lighthouses, Canada's treasured houses of our maritime history and our coastal communities. It was a private member's bill sponsored by me and the late Nova Scotia Senator Michael Forrestall and took years of effort by members of all parties in both houses to become law.

Intent on ensuring Canadians could access their lighthouses by sea, I included wharves in the list of facilities at light stations to be preserved in the proposed legislation, along with light towers, houses and machine shops.

After it was introduced, I received a letter from Loyola Hearn, then minister of Fisheries and Oceans, a Newfoundlander and the only cabinet minister I know who wrote a ballad to support lightkeepers. The lyrics went: "Who will turn on the lights when the lightkeeper's gone?"

Now, Pat, he warned, your proposed bill as written would mandate the preservation of ancient, rotting, creosote-soaked pilings and wharves. Surely that is not what your committee intends? We changed the wording and made clear our intent to ensure public access in our preamble. Laws are lovely to write, but take care to ensure the meaning is correct.

If Canadians don't like our laws, or our Supreme Court judges rule they are unconstitutional, we can change them. And the governments that proposed them in the first place. That's why Canada is glorious and free. Canadians want to keep it that way.

**(Pat Carney, a resident of Saturna Island and a recent guest speaker at the AFMLABC AGM, is a former Conservative MP, cabinet minister, senator and author.)**



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# The right to know ... and bayonet the wounded

By Jim Hume, The Old Islander

It is the mantra of media: “The right to know;” the hymn every reporter and editor sing when probing questions are being asked, when “confidential” government reports are being pried loose, begged, borrowed or glowingly welcomed in plain brown paper envelopes.

“The right to know,” sometimes sung with religious fervour, sometimes bayed like hounds on the hunt for a politician wounded by allegations of scandal and ripe to be brought down and savaged.

Pure in the search for truth and justice, “the right to know” is battle cry, shield, and protector against all who would brand editorial writers and reporters slaving jackals and enemies of “the people,” and columnists like yours truly as “they who come down from the hills after the battle is over and bayonet the wounded.”

It hasn't always been this way. Back in August 2003, I wrote a column on the findings of a Commonwealth Parliamentary Association (CPA) meeting in Perth, Australia, to discuss parliament and the media, with “the right to know” a high priority. Its findings – Recommendations for an Informed Democracy – were surprisingly free of harsh criticism of the media, and courteously understanding of the role of the press in a free society.

Far more understanding, I suggested, than we in the press were of the politicians we bayonet.

There was a clear recognition by the politicians that a public figure automatically sacrifices much of the private life the rest of us cherish. The study declared: “The public's right to know must be balanced against the individual's right to privacy – which must sometimes be sacrificed by public figures to the extent that their private lives impinge on their public roles. The responsible determination of the balance between the public's legitimate right to know and public curiosity is a matter for the media initially, (then) for the public itself, and if necessary, ultimately for the independent judiciary.”

Clearly the politicians recognized their loss of privacy; equally clearly, they place heavy responsibility on the press to differentiate between “the public's legitimate right to know” and prurient “public curiosity” which all too often dominates coverage of events involving political personalities. To both sides, the CPA study group sent the reminder that there should always be an “independent judiciary” from which to seek a ruling.

The government of British Columbia has just moved into that judicial zone with a request to a retired but

“independent judiciary” (former Chief Justice of Canada Beverley McLachlin) to sort out the issues around the suspension of Clerk Craig James and Sergeant-at-Arms Gary Lenz.

The CPA study findings and recommendations were forwarded to all Commonwealth members with the aforementioned decision in BC being an indication that the CPA recommendations registered here.

The Commonwealth parliamentarians pushed beyond the “right to know” and “public curiosity” into the much harder-to-decide issues when “the public interest” clashes with “the national interest.” The SNC-Lavalin issue springs to mind as the Office of Prime Minister Justin Trudeau (PMO) attempts to manage damaging optics.

The CPA solution, now 16 years old but still worth listening to: “When ‘the public interest’ is claimed by government to be in conflict with the demand for secrecy in ‘the national interest,’ the determination of what constitutes ‘the national interest’ and when it should take precedence over the ‘public interest’ should be assigned by law to the courts.” If adopted, that recommendation would strip governments of the all too often used safety blanket of political expediency – the blanket the PMO now appears to be reaching for.

A few other thoughts from the CPA under the heading Freedom of Expression: “The media's right to criticize and express opinion, as well as to report, must be guaranteed and no legislation should be passed which impinges on that right.”

The study recommends serious due diligence and consideration by all politicians regarding media rights before launching libel lawsuits but acknowledges that sometimes such suits may be justified. However, if they are, and if the courts rule libel and/or defamation have been proven, the CPA study urges the courts to be careful when assessing damages because “excessive or disproportionate levels of damages in legal actions have a chilling effect on free speech and should be discouraged” – for which all media workers say “thank you, we'll try to be kinder.”

And should we – writer or politician – ever have to apologize, may our regrets be as skillful as those offered by Irish politician R.B. Sheridan who said, when asked to say he was sorry for calling a fellow MP a liar: “Mr. Speaker. I said the honourable member was a liar it is true and I am sorry for it. The honourable member may place the punctuation where he pleases.”

# Floor crossings ... a trip into oblivion or into history

By Mike McDonald

I had never heard of Leona Alleslev before she switched from red to blue. Last year, the Member of Parliament for Aurora-Oak Ridges-Richmond Hill became the latest in a long line of Canadian politicians who have crossed the floor to sit with a different political party than the one in which they were elected.

Most of the time, the end is nigh for that politician. Some are pushed by desperation. Some are motivated by pique and others by genuine policy and ideological reasons. I'm not sure into which category Alleslev falls. Unlike some others, her move was not expected, it was not a public journey, and she didn't lay any track or provide signals. Thus, it's fair comment to point out that she seemed like a happy Liberal not that long ago.

Floor crossing is as old as Canada itself. Wikipedia informs us that, in 1866, an anti-Confederate politician in New Brunswick switched sides when he did not receive a desired cabinet post. We could go back to WWI when many Liberal MPs left Wilfred Laurier and joined with the Unionist government under Robert Borden. Or, to 1935, when British Columbia's H.H. Stevens bolted the Conservative barn to form the Reconstructionist Party.

Some floor crossings precipitate or reflect foundational change. René Lévesque leaving the Quebec Liberal Party in the 1960s to form the Parti Québécois is one of the most momentous moves in Canadian political history. It led to the election of the first Péquiste government in 1976 and a referendum on sovereignty-association in 1980.



*René Lévesque crosses the floor*

In 1990, Lucien Bouchard spectacularly left the Mulroney government after the collapse of the Meech Lake Accord, forming the Bloc Québécois, and taking other Quebec PC and Liberal MPs with him, including Liberal MP Jean Lapierre. Bouchard led the Oui forces to the brink of victory in 1995 and shortly after became premier of Quebec.

The 1993 election saw the collapse of the Progressive Conservatives to two seats with Preston Manning's Reform Party dominating Western Canada. After Jean Chretien continually swept up in Quebec, PC Senator Gerry St. Germain was one of the first to attempt to unify the Conservative parties and changed his allegiance in the Senate from PC to become the first Canadian Alliance senator in 2000. Later, 11 Canadian Alliance MPs left caucus to sit as the "DRC" – Democratic Representative Caucus when they couldn't get along with Alliance leader Stockwell Day. Among the 11 were political heavyweights like the first Reform MP ever elected, Deb Grey.

The DRCs would morph into a coalition with Joe Clark's (second-coming) PC caucus: the PC-DRC. Ultimately, most everyone got back together under the leadership of Stephen Harper after new PC leader Peter Mackay agreed to merge the PCs with Stephen Harper's Alliance. Harper became the leader of the new Conservative Party and held Paul Martin to a minority in 2004 before winning his own minority in 2006. (Joe didn't cross, he stayed PC until the end.) The key point is that floor crossing influenced the course of events between 2000 and 2004.

Some floor crossings reflect the ebb and flow of political tides. Scott Brison was elected as a Progressive Conservative but left when that party merged with the Alliance to form the modern-day Conservative Party. Brison became a senior Liberal cabinet minister before leaving politics in 2019. One can argue that he represented a shift in Canadian politics where some Progressive Conservatives migrated to the Liberals. Many politicians, like Bob Rae and Ujjal Dosanjh, sat for one party and later came back to run for another party, reflecting how they had migrated through the political spectrum.

BC has had three significant floor-crossings that led to a restructuring of political support bases. Leading up to the 1952 election, Conservative MLA W.A.C. Bennett left that party and moved over to the Social Credit Party. The leaderless party won the plurality of seats in 1952 and Bennett became its leader (and, ultimately, premier) after the election. Bennett governed for 20 years.

Then, following W.A.C.'s defeat in 1972, his son Bill Bennett, the new leader, recruited former Liberal leader and MLA Dr. Pat McGeer, as well as Allan Williams and Garde Gardom to the Socreds, along with PC MLA Hugh Curtis. All four floor-crossers would play major roles in Bennett's government, which lasted 11 years.

In the 1990s, four Social Credit MLAs left the former dynasty in ruins when they joined the BC Reform Party in 1994. Their defection ultimately benefited the ruling NDP – Glen Clark would win a majority in 1996 while losing the popular vote. Liberal leader Gordon Campbell corralled the Reformers after 1996, and remaining Reform MLA Richard Neufeld crossed the floor to the BC Liberals, marking the formalization of a de facto coalition. Neufeld, now a senator, served as a BC Liberal minister for seven years and the BC Liberals governed continuously for 16 years.

Some floor-crossings backfire spectacularly. Arguably, in Alberta, the Wild Rose defections to the ruling PCs under Jim Prentice destroyed the political careers of those MLAs, like former leader Danielle Smith, and boomeranged on the Prentice government. It looked too cute, too orchestrated – the overdog overdoing it. Similarly, while Belinda Stronach's floor-crossing to the federal Liberals in 2005 helped save the minority Martin government for a time, arguably it galvanized Stephen Harper's Conservatives in the forthcoming election in 2006.

Some cross and never look back. Dr. Keith Martin was elected as a Reformer in 1993 and ran for the leadership of the Canadian Alliance. He crossed the floor to the Liberals in 2004 and served as a Liberal until 2011.

Countless others have gone to sit as independents only to return later. Some are sent because they were naughty; others leave because they're mad but come back once they're happy. BC MLA Blair Lekstrom left caucus over the handling of the HST but came back after a leadership change. MLAs and MPs who never leave, and feel that they are team players, can often be annoyed and upset when those that leave are welcomed back. If handled properly, it can be seen as beneficial to the greater good that they return. Alternatively, it can be seen as rewarding bad behaviour.

There is always the threat of a disgruntled MLA or MP taking off. Most of the time, that representative is governed by some restraint. The voters elected him or her largely on the basis of their party label. Imagine you worked hard in support of your party only to find that the recipient of your hard work crossed no-man's land to sit in enemy trenches? Many would-be floor-crossers have undoubtedly taken a step back when realizing they would have to explain their actions to the volunteers who backed them.

To be accepted by the voters, the conflict usually has to be real and substantive and/or that representative must have a lot of personal credibility. If it's opportunistic, it's not likely to go down well with the voters and the supporters of the sending and receiving party.

**(Mike is a Partner and Chief Strategy Officer with Kirk & Co. and a Senior Research Associate with Pollara Strategic Insights, a market research and public opinion research firm. A longer version of this article appeared in *Rosedeer*, his personal blog.)**

## 2019 Member Dues are due!

Annual membership for former MLAs in the Association is \$60 (unchanged from previous years) and that includes the subscription fee for *Orders of the Day* (OOTD).

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## Vietnam expels Kim Jong Un lookalike

HANOI (Reuters) – An Australian comedian who impersonates North Korean leader Kim Jong Un said authorities deported him from Vietnam, some 24 hours before the real Kim was due to arrive for a summit with U.S. President Donald Trump.



The Kim lookalike, who goes by the name Howard X, popped up in Vietnam's capital of Hanoi along with his partner who impersonates Trump. They drew crowds and media.

The two real leaders arrived in Hanoi on the heels of the comics for what would be a spectacularly unsuccessful second nuclear summit.

"North Koreans have no sense of humour," the impersonator told reporters before heading to Hanoi's airport to leave the country. "Satire is a powerful weapon against any dictatorship."

The impersonator visited Singapore in June when Trump and Kim held their first summit and performed satirical stunts. He said he was briefly detained by authorities there.

## Lincoln the goat elected mayor in Vermont

FAIR HAVEN, Vt. (AP) — A three-year-old Nubian goat named Lincoln is the first honorary pet mayor of the small Vermont town of Fair Haven.



Townpeople chose the nanny goat for the one-year post at the community's Town Meeting Day.

The ballot of 16 pets was open to all town residents. Most of the other candidates were dogs and cats; a gerbil named Crystal also was a candidate. During its time as mayor, Lincoln will be expected to attend local events, such as marching in the Memorial Day parade wearing a custom-made sash.

Fair Haven, a town of about 2,500 along the border with New York, does not have a human mayor. Town Manager Joseph Gunter said he heard about a small town in northern Michigan trying something similar and he thought it would be a good way to raise money for a local playground.

"It was a great way to introduce the elementary school kids to local government," he said.

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# Tex Enemark faced death as he met life ... head on

On March 12th, Tex Enemark – former federal ministerial assistant, former BC deputy minister, lawyer, BC Mining Association president and avid scuba diver – embarked on an assisted “peaceful resolution of an intolerable medical condition.” He was 77.

In February, he announced on Facebook that he had been diagnosed with stage four stomach cancer. He knew soon after that there was but one path forward, a path of his own choosing. As Tex prepared for end of life, Prime Minister Justin Trudeau sent him a portrait of himself and this note: “You led by example, inspired many to public service, and improved the lives of people in British Columbia and across Canada.”

Tex was a diehard John Turner Liberal and former ministerial assistant to the late Ron Basford, the Pierre Elliot Trudeau-era cabinet minister who served in justice and revenue portfolios. Basford is also known as one of the architects of Granville Island, and Tex was fully involved in those efforts.

He was a provincial deputy minister for cabinet minister Rafe Mair in the government of Bill Bennett.

As an avid scuba diver, he was involved in the sinking of the HMCS Chaudiere, a Restigouche-class Canadian destroyer, in Sechart Inlet as an artificial reef. He went on to sink other ships, including the sister ship Yukon off San Diego, California. He also worked as a governmental affairs consultant for many companies.

Just days before his death Tex wrote his last dispatch for *The Tyee*: “We who are old enough to remember the time in 1956 when the federal Liberal government was rocked by cries of arrogance over using closure to hasten legislation for a gas pipeline across the country (and paid the price by being defeated the following election) also remember a time when ministerial aides were never told what to do by the Prime Minister’s Office.

“Over the years the Prime Minister’s Office has exponentially grown in influence, further directing cabinet members on political staffing and policy. The PMO achieved unprecedented power under the Mulroney government. Over time, cabinet ministers were expected to heed the words of young, often very bright but largely inexperienced PMO staff, creating a gulf between the prime minister and his ministers.

“Flagrant misbehaviour of PMO staff was conspicuous in the Harper government. The judge who dismissed charges against Senator Mike Duffy was scathing in his criticism of PMO head Nigel Wright and the behaviour of political staff.



*Tex Enemark off the coast of California in 2000 for the scuttling of the HMCS Yukon to create an artificial reef.)*

“The concentration of power in the hands of unelected political staff is contrary to our parliamentary democracy that depends on a responsible cabinet, elected and accountable to Canadians. It has festered more and more in governments both Tory and Liberal, and also in some provinces.

“These dismal thoughts are the last I will offer publicly. I offer them in the hope that current experience will prompt a fresh look at how our system of stable government can again be the envy of the world.

“To be clear, I am unable to offer special insight into the SNC-Lavalin affair. However, the affair itself lends some insight into the workings and dynamics of cabinet and tensions with the direction of the PMO.

“I am enormously grateful to two of the affair’s protagonists, Dr. Jane Philpott and Jody Wilson-Raybould, for the law they worked out together that now allows me peaceful resolution of an intolerable medical condition.

“I am grateful for a handwritten letter I received this week from Prime Minister Trudeau acknowledging my contributions to public life. I hope we will find our way back to the vision of 2015 where transparency and inclusive leadership is how we will move forward.”

Tex is survived by his wife Sandra, three daughters Kiersten, Tasha and Ashleigh and three grandsons, Mason, Emmett, and Corinth.

# May Brown, 99, had a long and full life

Many readers of Orders of the Day will remember May Brown as a formidable political campaign organizer, but there was so much more to her remarkable career. She was a trail-blazer, advocate and mentor for women in sports, business, and politics.



Tributes for the 99-year-old May began pouring in the second news of her death hit the social media networks on March 1st.

May's life began on a small homestead near Hardisty, Alberta, but most of her childhood memories are of Strawberry Hill, a farming community along Scott Road in Surrey; a place she was proud to call home.

May set ambitious goals for herself, persevered to overcome obstacles and challenges, and with the guidance of her mother and help from her brother and three sisters, began a teaching career.

She witnessed the deprivation of families who became victims of the Depression and injustices suffered by the Japanese-Canadians who made up half her students. In Fernie, with the male teachers enlisting and going overseas, diminutive May became the physical education teacher and coach for the strapping boys of immigrant coal mining families. She also taught in New Westminster and Surrey, following which she spent two years at Montreal's McGill University earning her Physical Education Diploma. She returned to Vancouver in 1947 just as a job opened up in UBC's burgeoning women's athletic program.

May made significant contributions to the University of British Columbia and Canada over a career spanning more than 60 years. She taught physical education from 1947 until 1955 and went on to earn her Master of Physical Education in 1961.

During the 1960s and '70s, May and her husband Lorne established and operated Camp Deka Boys Camp in the Cariboo, providing a wilderness camp program that influenced the lives of many boys and young men.

In 1977, following two terms as a park board commissioner, May was elected to Vancouver council, serving for 10 years. She also ran for mayor.

Jason Beck, curator of the BC Sports Hall of Fame, described her service to BC: "The breadth of Brown's volunteer contributions to sport is incredible. In the 1950s, she was critical to the development of synchronized swimming in BC. From 1969-74, Brown served on the National Advisory Council on Fitness and Amateur Sport that established the Canada Games, created Sport Canada, and approved grants for national sports governing bodies.

"Brown was a member of the BC Advisory Council for Sport and Recreation from 1987-92, the 1994 Commonwealth Games Society from 1989-94, and the sport sub-committee that worked for six months to encourage Vancouverites to vote Yes in the City of Vancouver referendum on the Vancouver 2010 Olympic Winter Games bid."

During her lengthy career, she was also bestowed with the Order of Canada and the Order of BC. In her honour, UBC created the May Brown Trophy for the graduating female athlete of the year. In 2000, May received a UBC Alumni Achievement Award and was inducted into the UBC Sports Hall of Fame in 2007 for her contributions to the sport of field hockey.

May was also a 2010 Olympic volunteer ambassador, appointed by VANOC to promote the Winter Games, and was the first woman awarded the BC Sports Hall of Fame's W.A.C. Bennett Award in 2012.

Beck says: "Out of all the recognitions and awards accorded May Brown during her career, perhaps the most inconspicuous can be found on Beach Avenue nestled between Hornby and Howe in downtown Vancouver. May and Lorne Brown Park is a small but peaceful green space full of grassy play areas, trees, and an oversized harvest dining table where visitors can relax. A fitting tribute to a woman who devoted much of her life to Vancouver playing fields and parks."

May was predeceased by her husband Lorne and her siblings Milly, John, Eleanor, and Helen. She is survived by her son Greg and his wife Suzanne, and her daughter Barbara and her husband Bruce.

A celebration of the life of May Brown will be held at VanDusen Botanical Garden on April 10 at 2 p.m.



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# Letters

## Joan Sawicki weighs in ... she was in the chair

Dear OOTD Editor,

Thank you for taking up the challenge! I trust that both your introduction and the thoughtful pieces by Milliken and Lovick will result in more feedback from other association members.

I suspect few would argue with Milliken's take on the speaker's role as adjudicator/peacemaker, nor with the need for delicacy and discretion in the degree of intervention in debates. I think that role is well understood as one of the essential checks and balances of a deliberately adversarial system – respecting the mandate of the majority to govern while defending the right of the minority to be heard.

Similarly, Lovick's contribution is a familiar topic of discussion at speakers' conferences. While I agree with Dale that without the same status or protection it is unreasonable to expect Canadian speakers to follow the degree of non-partisanship expected of Westminster speakers, there are many shades of grey between resigning from one's party and speakers doing "politics as usual" while in their constituencies.

I believe that it is indeed important while holding the office of speaker to refrain from attending such partisan functions as party conventions. And, while advocating on behalf of constituents (as any MLA has the duty to do) and communicating particulars of new programs etc. (as any government MLA has a duty to do), I also believe it is important to avoid partisan public comment on "matters on which the house may be divided."

However, while Milliken and Lovick have admirably covered the two most visible roles of the speaker, neither is really what the current situation is about. That is about the third role of the speaker – as head of the legislative precinct, or, as Milliken briefly describes, as "guardian of the rights and privileges of members and of the house as an institution."

This part of the speaker's job is not one of longstanding in BC. When I was appointed speaker-designate in 1992, the legislative precinct did not even have its own comptroller. (In other words, those precious dollars accorded each MLA to carry out constituency duties were still doled out from the government.) Nor did the clerks – or anyone else – have any particular administrative responsibilities when the house was not in session.

As far as I could determine, the tangible components of what made the legislature function – the library, Hansard, sergeant-at-arms – all ran themselves with little oversight or coordination. It is scary to think this role does not seem to have evolved much in the 25 years since my tenure. Introducing clear guidelines is long overdue.

But here, I am going to stir the pot a bit. In the chamber, it is well accepted that once members have agreed upon the rules (i.e. the Standing Orders), it is the speaker's duty to enforce them, without challenge. The house could not function with members routinely second-guessing speaker's rulings.

It is my opinion that the speaker's role as head of the legislative precinct must have somewhat similar safeguards. Once guidelines have been set (by unanimous, not majority agreement for obvious reasons), the speaker needs to have the independence to administer them.

However, this comes with a quid pro quo. If there is a line beyond which members should not go (for their own collective protection) – and I believe there is – speakers must also be held accountable for doing that part of their job with diligence and integrity, not only with utmost impartiality but also solidly grounded in their primary duty to safeguard the institution itself.

Whether in the chair, in the constituency or as head of the legislative precinct, that is a speaker's most sacred responsibility – the ultimate check and balance that allows our Westminster system of parliamentary democracy to function fairly.

Joan Sawicki  
MLA Burnaby-Willingdon, 1991-2001  
speaker of the BC Legislative Assembly, 1992-1994

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100 years ago

## Workers were angry, Winnipeg exploded

At the end of the First World War, soldiers returning home did not find a hoped-for better world. Hard times settled over Canada and discontent increased. In Winnipeg, tension reached a boiling point.

In 1919 post-war Canada, war factories were shutting down, triggering bankruptcies and unemployment. Those with jobs could not keep up with inflation. The cost of living had risen 64 per cent since 1913.

Canadians were angry. Some wanted better wages and working conditions. Others just wanted jobs. The atmosphere was ripe for revolt. In the spring of 1919, Winnipeg's building and metal workers went on strike for higher wages. The Winnipeg Trades and Labour Council appealed for a general strike in support. The response was overwhelming. The first to walk out were the "Hello Girls," Winnipeg's telephone operators. Hours later 30,000 union and non-union workers had walked off the job.

"In Germany, I fed on grass and rats. I would prefer going back to eating grass than give up the freedom for which I fought so hard and suffered so much," a war veteran wrote in the striking workers' newspaper.

A strike committee was formed, and for six weeks, it virtually ran Winnipeg. Elevators shut down, trams stopped, postal and telephone communications came to a halt, and nothing moved without approval from the strike committee. In support, sympathy strikes began breaking out across the country.

Fighting back, Winnipeg business leaders organized a "Citizens' Committee" to oppose the strike and turned to the federal government for help.

It had been only 18 months since the Czar of Russia was overthrown following a general strike in Petrograd, and the Canadian government feared a revolution at home.

"The leaders of the general strike are all revolutionists of varying degrees and types, from crazy idealists to ordinary thieves," said Arthur Meighen, Canada's Solicitor General.

James Shaver Woodsworth, a Protestant minister and social activist who joined the strike disagreed: "This strike is not engineered from Russia ... In reality, the strike has nothing to do with revolution. It is an attempt to meet a very pressing and immediate need. The organized workers like everyone else are faced with the high cost of living."



Ottawa ordered the federal employees to return to work immediately or face dismissal. Believing that immigrants were behind the strike, the Canadian government amended the Immigration Act so British-born immigrants could be deported. The Criminal Code's definition of sedition (incitement to rebellion) was broadened.

Meanwhile, the mayor of Winnipeg, Charles Gray, fired most of the city police force. Many officers were sympathetic to the strikers, and they were replaced with 1,800 special constables, recruited and paid for by the business community. The "Specials" received a horse and a baseball bat to keep order. The Royal North-West Mounted Police, the Red Coats, were also brought in.

In June, a riot broke out after the "Specials" tried to disperse a crowd listening to a speech. A few days later, the federal government arrested 12 union leaders, forbade the publication of the *Western Labour News*, and ordered the Mounted Police to put down demonstrations with any necessary force. Veterans organized a parade to protest, and a crowd of 6,000 people gathered.

A streetcar, operated by strikebreakers, was overturned and set on fire by veterans. The Mounted Police and the "Specials" charged the crowd.

"Then with revolvers drawn," editor of the *Western Labour News* Fred Dixon reported, "the Mounted Police galloped down Main Street and into the crowd, firing as they charged."

On that Bloody Saturday, two strikers were killed, 34 others were wounded, and the police made 94 arrests. Fearing more violence, workers decided to call off the strike and returned to work. Forty days after it began, the largest social revolt in Canadian history had been crushed.

**(CBC Learning, Canada, a People's History)**