

A Tradition in the Making

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By way of introduction, allow me to quote the first sentence of the speech given by a newly elected Speaker when he or she first goes to the Senate: "May it please Your Excellency, the House of Commons have elected me their Speaker though I am but little able to fulfill the important duties thus assigned to me.

This is remarkably neutral language; hardly an inflammatory thing for a Speaker to say. But it was not always so. When this formula was first used at Westminster in the 15th Century, it was indeed highly contentious. Until then, the Commons' Speaker was the King's appointee, and was regularly viewed with suspicion as little more than a spy from the Royal Court. However, very early in our parliamentary tradition, the Commons dismissed the King's appointed Speaker and established the right to select its own.

Placed in this context of tradition, the words "elected me" were then a very bold and very fundamental statement. It was an assertion that the independence of the House and its Speaker may not be interfered with. This principle was adhered to and is reiterated at the opening of every Parliament.

Five centuries later we take it for granted. But is this tradition as firm as the weight of history and the innumerable repetitions of the formula would lead us to believe? Allow me now to quote from something written about our own Parliament 571 years after the British Commons first resisted external influence on its choice of a Speaker: "... the Prime Minister under our practice has always exercised a very strong influence over the initial choice of a candidate.... It is proposed that the Speaker should cease to be nominated by the Prime Minister and that he or she should be elected by secret ballot." That is

from the First Report of the McGrath Committee in December, 1984. Its recommendation was subsequently adopted by the House as Standing Order 2.

Accordingly, when, in the early hours of October 1, 1986, Speaker Fraser spoke the time-honored formula "The House of Commons have elected me their Speaker" -- the words had new meaning. The tradition upon which these words were based had changed overnight.

Some people think "tradition" is akin to some sort of atmospheric pressure from the past that gently weighs on our present actions to guide us in the daily exercise of our functions. But I believe it was the poet and dramatist T.S. Eliot, who argued very strongly in the opposite direction: it is our present view of reality that constantly reforms and reorganizes our thinking about the past, and every forward step allows us a wider perspective and appreciation of our past tradition. In fact, so the argument goes, it is the present that shapes and determines our tradition. Clearly, in our own 33rd Parliament, the independence of the Chair is as alive and abiding an issue as it was in the earliest of parliamentary times, and we are constantly working to redefine and refine this elusive concept.

In concentrating on the present, I realize I risk doing a grave injustice to hundreds of years of parliamentary tradition in Canada and Great Britain. Naturally enough, I wish to focus on our Canadian tradition and to isolate the period which begins approximately 20 years ago.

Six Speakers have occupied the Chair during this period: Speakers Lamoureux, Jerome, Sauv , Francis, Bosley and Fraser. Each was preoccupied with different issues that faced the House during his or her tenure, and time simply does not permit me to recount the history of each as fully as I would wish. Although the theme of "independence" can be strung through all of these years, perhaps its development will be clear if I touch on only

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the first two -- Speakers Lamoureux and Jerome -- and the last two -- Speakers Bosley and Fraser.

Speaker Lamoureux was elected to the Chair -- in the old sense of the word "elected" -- three times: 1966, 1968 and 1972. In 1968 he became convinced that he could best serve his constituents and Parliament if he did not contest the general election as a member of any political party. He ran as an independent, unopposed by the Liberals or the Progressive Conservatives, and was elected both to Parliament and subsequently to the Chair. In 1972 he was again re-elected to Parliament as an independent and again elected to the Chair. He retired in September, 1974, having served in the Chair longer than any other Speaker before or since.

Lucien Lamoureux planted the seeds of what may yet see the light of day in our parliamentary tradition: first, the beginnings of the concept of a continuous speakership; and, given this concept, the idea that a Speaker seeking office in a general election ought not to participate in a partisan fashion.

I mention these aspects not as a personal view, but because events during the tenure of Speaker Lamoureux's successor, James Jerome, contributed in their own unique way to another facet of an independent Chair. Speaker Jerome was the only member from the ranks of the opposition party to be elected Speaker. Granted, Prime Minister Clark had many reasons for nominating Mr. Jerome, nonetheless, the second term is in itself a further refinement of our tradition of an independent Speaker, first because it gave tangible evidence to the concept that the Speakership is an independent office, and not an adjunct to the party that forms the government of the day; and second, because it also established the important precedent that a new government does not necessarily mean a new Speaker.

Taken together, events during the Lamoureux-Jerome years were major steps towards a clearer definition of what we term the independent Speakership.

I will now quickly outline briefly some important events during the tenures of Speakers Bosley and Fraser. "Reform" is surely one word that would characterize the House during Speaker Bosley's term. Beginning with the Speech from the Throne and moving through the establishment of the McGrath Committee, the important amendments to the Standing Orders in June, 1985 and February, 1986, to Speaker Bosley's letter of resignation in September, 1986, the House went through an astonishing period of change.

Where the Speaker is concerned, two remarkable reforms were put in place. One was an increase in the disciplinary authority of the Chair through Standing Order 16 -- the power to name a Member. The Speaker is now no longer dependent upon the House to support the Chair's authority to discipline Members. Permit me to digress for a moment here to tell you an interesting side-light to this issue. No member of the government (of

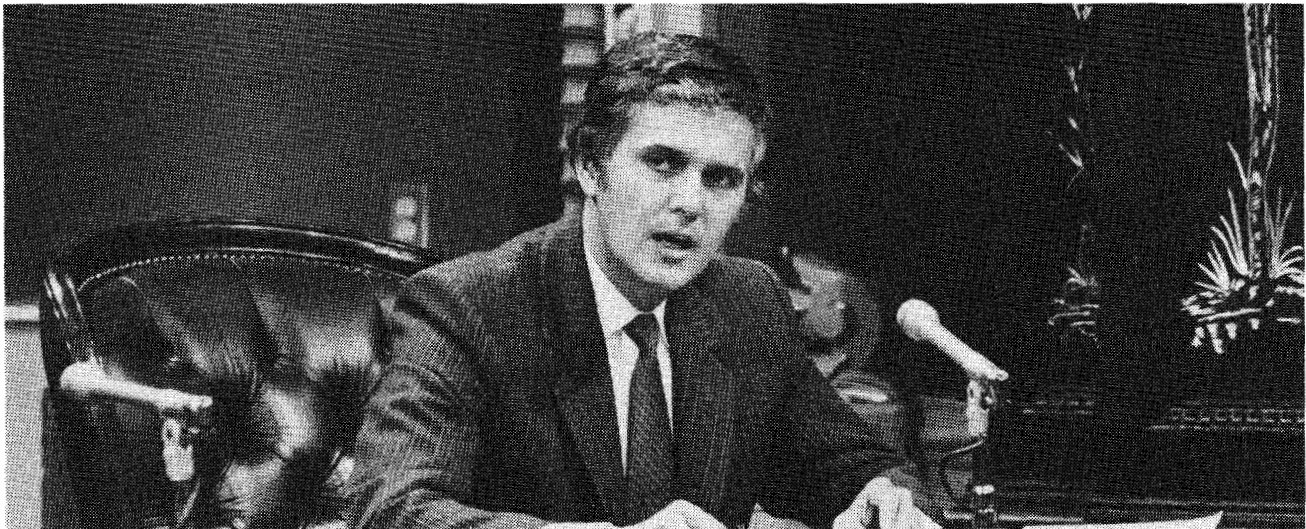
whatever party) has ever been "named" in the House. However, previous to the recent Standing Order changes, if the Speaker had, in fact, ever "named" a government member, we would have faced an interesting situation, since the motion to suspend the offending member would more than likely have come to a recorded division. Given the strong party discipline that prevails in the House from time to time, and the equally strong inter-party rivalry, it is conceivable that the motion would have become caught up in those issues, rather than the issue of the authority of the Chair, and hence might have been defeated. Even the possibility that the Speaker could be placed in such a perilous position is unacceptable, a fact clearly stated in the McGrath Committee's report: "The Chair is vulnerable under this procedure A failure to follow through on the naming of a Member would lead to a serious undermining of the Speaker's authority." (p. 38) The independence of the Chair is greatly enhanced through the adoption of this new naming procedure.

I come now to the second fundamental reform: the election of the Speaker by secret ballot. Behind the election procedure were a number of concerns that had to be addressed well in advance of the actual election day. The first was that the resignation of the former Speaker coincided with the opening of a new session, at which time our unvarying procedure calls for a Speech from the Throne. However, would it be our former, or our newly-elected Speaker who would hear the Speech? And would the House first go to the Senate to hear that the Governor General would deliver such an address only after the Commons had elected a Speaker? Mr. Bosley had made his intention to resign a matter of public record, but for all intents and purposes we still had a Speaker. Why should we elect a new one first? And finally, was Parliament to be summoned only to keep Her Excellency and the Honorable Senators waiting if the election in the Commons went past the pre-arranged time?

These questions were, in the end, settled satisfactorily and the details of their resolution now form part of the tradition established on September 30 and well into the early hours of October 1, 1986.

Another point on which the Standing Orders were silent was the conduct of the actual count of the ballots. Would only the Clerk be authorized or could he be aided by the Clerks Assistant? And would the count be conducted in the Chamber itself or in private? Again, after a series of consultations with the Clerk and the House Leaders, these questions were satisfactorily resolved.

Finally, of course, there was always the possibility that during the process, members could raise legitimate points of order which might potentially stall or complicate the process, or in fact, threaten to nullify it if the provisions of the Standing Orders had not, in fact, been correctly met. The Procedural Sector under the direction of the Clerk spent many days and weeks rehearsing,



Marcel Danis addressing the Conference on the Parliamentary Tradition

anticipating and refining the innumerable details involved in the election procedure. It was, after all, an unprecedented event.

As to the process itself, the reaction of the press, the spectators and the general public was by and large very positive, although of course comments on the length of time it took and the number of ballots required were inevitable.

The reason for the many ballots of course was because of the high number of candidates. On the eve of the election thirty-nine members had not withdrawn their names from consideration. Out of that number seven said they wished to be considered for the office of Speaker. Two in particular overtly campaigned for the position, Doug Lewis and myself.

The member for Simcoe North and I met with most MPs and travelled across the country. We discussed with the members our positions on a wide variety of issues including, for example, the number of questions to be given to the three political parties during question period, our respective positions on the McGrath report and on the reforms we could bring about if elected.

I had a provincial chairperson from each province in order to get maximum support for my campaign and to make sure that the members who supported me stayed around until the last ballot. As I campaigned during September I thought my friend Doug Lewis would be my main opponent. However, John Fraser, after sending a letter to the Clerk indicating that he did not want to be considered, changed his mind and decided to let his name stand.

Mr. Fraser did no campaigning whatsoever and, of course, he was the eventual winner. Perhaps that does not say too much for the idea of campaigning for the

office of Speaker! In the end although I did not win I must say the process worked well. The choice of John Fraser was an outstanding one.

As we look at the process now I see some areas in the Standing Orders which I believe we ought to consider changing. One is the nomination procedure. It strikes me that rather than having members remove their names from a complete list of candidates if they wish not to be considered for the Office, it would make more sense simply to have members submit their names if they do wish to run.

Second, much has been made of the method of announcing the results of each ballot. The Standing Orders prohibit the disclosure of any numerical results, and further stipulate that the names of candidates remaining on any subsequent ballot shall be announced in alphabetical order. While agreeing with the first injunction, I believe we might do better to change the second, and allow the candidates' names to be announced by rank, corresponding to the number of votes they received, although the actual numbers would still remain undisclosed.

Tradition is usually established over long periods by slow and careful refinements and only occasionally, by rapid, radical reforms. Over the last 20 years we have seen both processes at work in the House. When future parliamentarians look back on what we have recently witnessed, there is little doubt in my mind that this will stand as one of the most interesting, certainly one of the most influential eras, in the continuing definition of our concept of the independence of the Chair. If that is so then the present will certainly have shaped and determined our tradition.