

Procedural Maneuvering Pushes Bill C-25 Through Commons

**JULIAN REED, MONARCHIST, PREVENTED FROM MOVING AMENDMENT ON PUBLIC SERVICE OATH TO QUEEN
BY FELLOW GRIT MAURIL BÉLANGER • GOVERNMENT EXPLAINS REASON FOR CHANGE: FOLLOW
BRITISH PRECEDENT! • ROW IN SENATE: COOLS vs CARSTAIRS • BILL ON HOLD UNTIL SEPTEMBER**

THE COMMONS: EXPRESS TRAIN

In brief debate with fore-ordained result despite the recent general breakdown of discipline on the government backbenches, the Chretien government managed to push the Public Service Modernization Act, Bill C-25 through House of Commons on June 3.

Delivering what monarchists saw as a gratuitous insult to Her Majesty by introducing the Bill on Accession Day, and then the day after her Coronation Jubilee seeing the removal of the requirement public servants swear the Oath of Allegiance, the Liberal majority also annoyed a number of its own MP's in resorting to a procedural device which precluded the moving of a promised amendment by Julian Reed (Lib-Halton).



Julian Reed, MP, with his likely future leader

Mr Reed was the only Liberal MP to vote against the legislation at Report Stage; on the final vote, he abstained. The official critic of the Canadian Alliance showed no sympathy for his concerns. Nor the lone Tory, who spoke dismissively about the need for the old Oath!

The Reed motion would have recommended the Bill to Committee for consideration of retaining the Oath of Allegiance. Reasons for this position were supported in a Brief by the Monarchist League of Canada, for the promotion of which, uniquely in recent years' experience, the League was denied an opportunity to appear before the Committee. Nor did any MP move an amendment during Committee proceeding to retain the current requirement in the legislation.



Grit Warhorse Mauril Bélanger (Lib: Ottawa-Vanier) had moved "the previous question" on Third Reading Debate. This hoary parliamentary tradition precludes the moving of any other motion. It was on this question that the Government faced a relatively close vote given the size of its majority: the motion carried 136-95 [See table below] with, surprisingly, affirmative votes from such professed loyalists as John Godfrey and Andrew Telegdi.

An interesting crumb of comfort for Monarchists came in remarks on Third

Reading debate made by Bob Speller (Lib: Haldimand-Norfolk-Brant), stating that several MP's "have heard over the last couple of days from constituents who are concerned with the fact that the oath of allegiance would be taken out of the legislation.... I want to assure them, as I can assure all Canadians, that we on this side of the House have heard them. I have had the opportunity to speak with the minister on this issue, as have a number of my colleagues. We will be looking at this issue further."

THE SENATE: CLEAR EXPLANATION – THEN ACRIMONY ERUPTS

The Red Chamber took up Bill C-25 on June 5th. Canadians who might have felt mystified by the non-responsive answer in response to their letters about the Oath to Mme Robillard, received a clear statement from the Government as to its reason for dropping it. This was delivered by the Leader of the Government in the Senate, Sharon Carstairs, who in response to questions by Senators Lowell Murray, Tommy Banks and Anne Cools, replied: "...it is part of the modernization of the public service. It was decided that it would be consistent with practices in other countries upon which our tradition is built, in particular with the United Kingdom, where... public employees are not required to swear an oath of allegiance to the Queen. That is the reason it has been changed."

Shortly afterwards, a shouting match erupted between Senators Carstairs and Cools. Responding to Senator Carstairs' suggestion that she attend Committee Meetings and question witnesses, Senator Cools retorted that she had been



removed from the Committee for opposing the extension of additional funding to the National Firearms Program. Sen. Carstairs said: "If the honourable senator is asking me why she is not a member of that committee, it is because she has not shown loyalty to the government." To which Sen Cools replied: "I have shown loyalty to Her Majesty, and that is what I am sworn to do. I will never swear loyalty to anybody else other than to Her Majesty. Some of us here believe in that principle. Perhaps the leader does not, but some of us do. I submit that the majority of Canadians believe in that principle and I would invite you to join them." The exchange became more heated when the two senators exchanged some words as Sen Carstairs passed Sen Cools' desk, resulting in Sen Carstairs' raising a point of order, suggesting she had just been called a racist and demanding an apology. To all of which unedifying proceeding Speaker Hays put an end. National Post reporter Bill Curry concluded his account of the dispute with

"Senate observers were at a loss to recall such a heated exchange between two Liberals on the floor of the Chamber."

The measure subsequently passed on a voice vote. Referred to the Standing Committee on National Finance, two sessions on June 17 and 19 heard witnesses from the government and the Public Service Commission. Questioned about the Oath change by the Committee on June 17, Treasury Board Minister Lucienne Robillard stated that individuals will be free to add to the new Oath, if they wish; but she rejected a call from Senator Cools to reverse the decision. The Senate has adjourned for the summer, thus the fate of the Bill will remain unknown until September. It remains possible that a motion to reinsert the Oath of Allegiance could be moved either in Committee or on the Senate floor.

EXCERPTS FROM COMMONS DEBATE

Paul Szabo (Lib: Mississauga South): I have mentioned the oath. Let me say that not only was I disturbed that the oath eliminated reference to "so help me God", but also disturbed that it eliminated reference to Her Majesty Queen Elizabeth II... The last time I looked, Mr. Speaker, this was the Parliament of Canada... How is it that a bill could eliminate reference to Her Majesty Queen

Elizabeth II without our having a debate in this place? ...If we are going to change oaths, we have to change them in a transparent way. There was an attempt to move a motion before debate to have the bill sent back to committee so that it could reconsider eliminating the reference to Her Majesty in the legislation. However, there is now a motion before us that the question be now put. That prohibits anybody else from putting a motion to the House... I think the House should have an opportunity to debate whether or not references to Her Majesty Queen Elizabeth II should be eliminated, rather than after only four speakers at third reading being pre-empted from making a motion to that effect.

...If Canadians and parliamentarians at large knew that the references to God and to Her Majesty Queen Elizabeth II were being summarily taken out of the oaths of office, given what we did with a private member's bill recently and the Citizenship Act, why is it that Parliament cannot debate here in the House what our oath should be in Canada? Where are our values?... I believe that we should have an opportunity to discuss this in an open and transparent way and therefore I would propose a motion. I would like to ask for the unanimous consent of Parliament to withdraw the motion now before the House and to recommit the bill back to committee to reconsider the elimination of Her Majesty Queen Elizabeth II from the oath of office.

The Acting Speaker (Mr. Bélair): Is there consent to move the motion?

Some members: Agreed.

Some hon. members: No.

Joe Comartin (NDP: Windsor-St. Clair): Mr. Speaker, I want to take my colleague from the Liberals back to the issue of the oath. I look at the composition of Canada now and I must admit I am having some difficulty, if I understand him, with his position that the oath should be comprised of swearing allegiance both to God, and I assume he is referring to a Christian God, and to the Queen of England and of Canada, when we have so many in our population who do not have those types of relations with either the Queen, in terms of historical association, or Christianity.... I am asking my colleague, if we had a flexible oath would he be comfortable with that?

Paul Szabo: Mr. Speaker, I think the member has made the case as to why there should be a debate in this place on the relevance and importance of the monarchy and of God or other deities in this place. The oath of allegiance provides a practical context to carrying out one's duties. It reminds the office holder that the authority of his or her office derives from the Queen. The oath of office covers how the incumbent should carry out his or her duties. It makes no claim on their commitment to a social order of which they are about to become a governing part. The oath of allegiance is therefore intended to remind us of how

OTTAWA CITIZEN SPEAKS OUT AGAINST OATH CHANGE

"Swearing allegiance to the Crown may seem to be a quaint, dated custom. In fact, it is a profound recognition that your loyalty cannot be entirely with the current politicians and managers of the day, whether they be saints or scoundrels.

"Rather, your ultimate loyalty is to the people of Canada, as represented by the Governor General and the Queen, who stand above the hurly-burly of politics, and will be there as symbols of the common good and civility if a government ever implodes. (Stranger things have happened in Canadian history.)

"This is important symbolism for the estimated 7,000 new public servants who will be hired by the federal government annually over the next few years as baby boomers begin to retire from the public service. They must remember that they don't just answer to the departmental or agency manager of the day...

"...[Bill C-25] should be changed to put the Crown back where it belongs: in an oath of allegiance to the Sovereign, taken with pride by all new federal public servants."

Editorial in *The Ottawa Citizen*,
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the Crown is the linchpin in holding us together in its public manifestations... Sixty-three per cent of Canadians said that they wanted to retain the monarchy. We cannot ignore that. I do not believe we should eliminate everything in which there is not 100% consensus. If we do that, if we go down that treacherous road...

Julian Reed (Lib: Halton): ...It gave me no pleasure to vote against Bill C-25 last week, the proposed public service modernization act. I did so for one reason only and it was because the oath of allegiance to our monarch has been removed... I would like to remind the President of the Treasury Board that the Minister of Citizenship and Immigration has declared that the proposed oath of citizenship in Bill C-18 will retain a pledge of allegiance to Her Majesty the Queen. In fact, it would read:

From this day forward, I pledge my loyalty and allegiance to Canada and Her Majesty Elizabeth the Second, Queen of Canada. I promise to respect our country's rights and freedoms, to uphold our democratic values, to faithfully observe our laws and fulfil my duties and obligations as a Canadian citizen.

I am in no way opposed to the idea of reforming the public service. I am opposed to the chipping away at the basis of our institutional framework. It is a slippery slope and I fear that, after one little chip here and one little chip there, in 20 or 50 years the bedrock of the Canadian system will be gone and we will pretend not to know how it happened... When public servants swear their oath to the Queen, our head of state, they are swearing it to Canada. The oath does not involve the Queen in her personal capacity but rather as the symbol of our country, our Constitution and our traditions... Public servants hold positions of public trust. By taking an oath, they are pledging to conduct themselves in the best interests of the country. It reminds the person taking the oath of the serious obligations and responsibilities that he or she is assuming... First, it reaffirms to the public servant that responsibility and accountability are vertical concepts. The authority of a public servant derives from the Queen. There is a vertical chain of command that must be respected in the form of advice that makes its way up through the ranks to Her Majesty or representative, and in the form of orders and instructions that must be executed that make their way down through the ranks. Public servants are ultimately accountable to the Crown, not just the public, the minister or their manager.

Second, the oath of office is an important initiation ceremony. Just as we ask new citizens to take the oath, we ask those who wish to join our legal and administrative institutions to make a personal commitment by taking the oath. Third, by removing the oath of allegiance the basic framework of our system of government is undermined. Only last year the Department of Canadian Heritage, through the golden jubilee celebrations, played a terrific role in filling the gaps in our knowledge and appreciation of our distinct constitutional heritage.

Allow me to remind the House what the Minister of Canadian Heritage said when she launched the federal golden jubilee initiatives. She said:

Fifty years after her accession to the throne, Elizabeth II remains a symbol of continuity, stability and tradition in a world that is under a barrage of constant change. Canadians of my generation have known only a single sovereign, faithful and

loyal to our people.

The Queen and the heritage she gives to us is not just a part of our past but part of our common future. As a mature country, we do not need to break our ties with the past. The oath of allegiance fulfills an important function. We should take this opportunity to send this back to the committee so it can be reconsidered for the sake of consistency with the member's oath and with other government bills, like Bill C-18, which expressly mentions Her Majesty in the oath. It is unfortunate that that will not happen now...

In these politically fractious times it is important that our civil service remain beyond the fray, always providing Parliament with the non-partisan professionalism that is renown around the world. As my friend from the NDP, the member for Winnipeg-Transcona, said:

[The Queen] symbolizes for many the merits of a constitutional monarchy in which the head of state... is separate and apart from the ongoing political struggles of the day.

It is a significant reminder to us in the House that politicians will come and go, but Parliament and the public service will remain. Swearing the oath of allegiance is an important reminder to our civil service. It is a symbol of the requirement for serving to the utmost of their abilities in the best interests of Canada.

There is talk about adopting principles to provide a framework for the public service. There were amendments to make the values upon which human resource management is based more explicit. Amendments to commit to transparency, linguistic duality, and the strengthening of the merit principle are all good things, but in modernizing the public service let us not throw away things that actually work, like the oath to our head of state.

As the public service moves from a rules based system to a value based system, it is important to have an organizational culture that articulates and lives the principles that are the basis of its everyday work. At the same time, the oath is an important symbol of initiation into that culture, and a personal and moral obligation to work to the best of one's ability.

The House does not have the opportunity to act and take responsibility for the legislation proposed by the government because of the motion now on the floor by the member for Ottawa-Vanier.

I thank God there is the other place where amendments may be made in sober second thought and I pray that never again will we find our constitutional monarchy diminished or otherwise altered without full national debate. Let this mischief be now ended.

Larry Bagnell (Lib: Yukon) Mr. Speaker, is the member saying that because we live under a constitutional monarchy, whether people like it or not, that there is some incongruity between the fact that we as members of Parliament take an oath to the Queen while employees working in the government do not take an oath? What are the advantages of a constitutional monarchy over having the Governor General perform the roles that the Queen plays?

Julian Reed: Mr. Speaker, to begin to remove the oath to the head of state is simply exacerbating an inconsistency. There is an inconsistency if we leave an oath in one area and we take an oath out of another area. To suggest that it would enhance things somehow if we were to do away with the Queen and substitute a

head of state in Canada would be denying the history with which we have grown.

It is an accident that our monarch is a British monarch. It could have easily been a French or Spanish monarch. It might have been at one time. It happens to be an accident of history, a very fortunate act of history in many ways because of the way the parliamentary process has evolved under the British system. We are privileged to have that, but it is a sign of maturity for us to continue to acknowledge it.

Mauril Bélanger (Lib: Ottawa-Vanier) Mr. Speaker, I have three questions for the member for Halton. First, why were there no amendments about (this matter introduced in committee or even in the House at report stage? There were ample opportunities for that to happen, yet it does not seem to have happened and one wonders why?

Second, I have been advised that in Great Britain public servants do not swear allegiance to the monarch but to the duly constituted government of Great Britain. I am also advised that in Australia, a Commonwealth country which had a referendum supporting the monarchy, public servants also do not swear allegiance to the monarch. If that information is not correct I would like to know. However, if it is correct, why should we have it if it is not the case in Great Britain?

Third, is the member aware that the President of the Treasury Board has indicated that the code would allow an employee to swear an oath of allegiance to the Queen. Therefore, it would be a matter of choice. If an employee wishes to swear allegiance to the Queen, he or she would be able to do so. What is wrong with that openness and way of doing business? I would like the member for Halton to answer those questions.

Julian Reed: Mr. Speaker, first, I do not believe that Canada is an optional country. Why should we have an option as to whether we swear allegiance or not?

Second, we are an independent country. We are not a conforming country, so why suggest that just because Britain does its thing and Australia does its thing that we should conform? Is that what we are here for? Are we conformists or are we an independent country prepared to take our own place in the world?

Why were there no amendments? I can only suggest that contact was made with the President of the Treasury Board when many of us were heavily involved in other committees, as the hon. member knows. I will bear responsibility for the fact that it escaped my attention but not without full contact on a continuing basis with the President of the Treasury Board.

Paul Forseth (CA: New Westminster-Coquitlam-Burnaby) Mr. Speaker, I am looking on page 135 of the new version of the bill. In part 4 under employment, it says: New

I... swear (or solemnly affirm) that I will faithfully and honestly fulfil the duties that devolve on me by reason of my employment in the public service of Canada and that I will not, without due authority, disclose or make known any matter that comes to my knowledge by reason of such employment. (Add, in the case where an oath is taken, "So help me God" (or name of deity).)

That is optional.

The issue here is that this is an oath of honesty, of diligence in work, not to take a bribe or improperly disclose information. I think the member is mistaken. I think he is confusing and transferring the oath from citizenship, which has absolutely nothing to do with being a public servant, into being a public employee. They are not parallel at all. It has nothing to do with the Queen for being a public service.

Then he talked about the MPs' oath at the political level in Parliament here, and again that is not relevant to being a public employee. In fact I would like for him to cite to me where previously the Queen was ever involved in such a matter. Just because it says "oath", those are oaths for different matters at different issues, and it is not related to being a public servant. I just do not think that his complaint is valid.

Julian Reed: Mr. Speaker, I am sure my hon. friend will know that the public service, up until now, as well as members of Parliament have sworn allegiance to the head of state. They absolutely do. We swear allegiance to our head of state, which happens to be the Queen of Canada; likewise the public service.

If the member would look at the bills that were combined to make this new bill, he would see the oath to Her Majesty is missing.

John Bryden (Lib: Ancaster-Dundas-Flamborough-Aldershot): Mr. Speaker, I just wanted to read from the House of Lords Hansard, when Lord Laird on January 3, 2003, asked Her Majesty's government:

Whether any new appointees to the Civil Service in any part of the United Kingdom are required to take an oath of allegiance; if so, which parts of the Civil Service require this...

The minister for the cabinet office and chancellor of the Duchy of Lancaster, Lord Macdonald of Tradeston replied:

Under the terms of the Civil Service Code, members of the Home Civil Service owe their loyalty to the administration in which they serve.

No civil servant in the UK is required to take an oath of allegiance.

I also note there is no oath of citizenship in the United Kingdom to the Queen or anyone else. Why should Canadians be more monarchist than the British?

Julian Reed: Mr. Speaker, I get back to an answer I gave a couple of questions ago. Are we conformists or are we individuals? Are we a free country, able to make our own decisions or are we required to conform?

Rex Barnes (PC: Gander-Grand Falls)... The public service sector really does not care if they swear allegiance to the Queen, themselves, their mothers or their fathers. What they care about is ensuring that government leaves it up to the people to be hired in the proper form, in the proper manner and that friends, neighbours and political interference is gone so the public service can do the job they are required to do, and that is to serve the people of this country and make it is easier for them to get the job done. For one reason or another, we forget about that and we worry about to whom we will swear allegiance. As parliamentarians we swear to the Queen because that is our job and we do it. The public service should swear to the people for whom they will do the work, and that is the taxpayers. Who cares if they swear an allegiance to other people. I was not going to say that but I thought it was interesting to hear the debate.



Paul Forseth, MP - Alliance Spokesman - Opposed Oath To Queen